

AYOCF



POTENTIAL HAZARDOUS WASTE SITE DISPOSITION

REGION 10 SITE NUMBER WAD98072279

File this form in the regional Hazardous Waste Log File and submit a copy to: U.S. Environmental Protection Agency; Site Tracking System; Hazardous Waste Enforcement Task Force (EN-335); 401 M St., SW; Washington, DC 20460.

I. SITE IDENTIFICATION

A. SITE NAME ALUMINUM RECYCLING CORP.-TRENTWOOD
 B. STREET N. 2317 SULLIVAN ROAD
 C. CITY SPOKANE
 D. STATE WA
 E. ZIP CODE 98216

II. TENTATIVE DISPOSITION

Indicate the recommended action(s) and agency(ies) that should be involved by marking 'X' in the appropriate boxes.

RECOMMENDATION	MARK 'X'	ACTION AGENCY			
		EPA	STATE	LOCAL	PRIVATE
A. NO ACTION NEEDED - NO HAZARD					
B. INVESTIGATIVE ACTION(S) NEEDED (If yes, complete Section III.)	X				
C. REMEDIAL ACTION NEEDED (If yes, complete Section IV.)					
D. ENFORCEMENT ACTION NEEDED (If yes, specify in Part E whether the case will be primarily managed by the EPA or the State and what type of enforcement action is anticipated.)					

E. RATIONALE FOR DISPOSITION / SOURCES OF INFORMATION
 THE SITE CONTAINS LARGE PILES (THOUSANDS OF TONS) OF BLACK DROSS WHICH IS THE WASTE PRODUCT OF RECYCLING SCRAP ALUMINUM & DROSS FROM PRIMARY ALUMINUM SMELTING INTO SECONDARY ALUMINUM. BLACK DROSS CONTAINS HIGH LEVELS OF SODIUM & POTASSIUM SALTS, LOW LEVELS OF HEAVY METALS & HIGH PH (~10.0). THE DROSS IS CLASSIFIED AS A DANGEROUS WASTE BY THE STATE BECAUSE OF ITS HIGH SALT CONTENT. THE PILES WERE REMOVED IN 1986 UNDER ORDER FROM THE STATE. THE 1987 SI REVEALED THAT MORE DROSS HAS BEEN DEPOSITED ON SITE. DROSS PILES ARE NOT COVERED AND WIND BLOWN DUST COULD BE A PROBLEM.
 KSUB:6 (DETERMINE IF BLACK DROSS IS A CERCLA WASTE)

F. INDICATE THE ESTIMATED DATE OF FINAL DISPOSITION (mo., day, & yr.)

G. IF A CASE DEVELOPMENT PLAN IS NECESSARY, INDICATE THE ESTIMATED DATE ON WHICH THE PLAN WILL BE DEVELOPED (mo., day, & yr.)

H. PREPARER INFORMATION

1. NAME ROBERT KIEVIT

2. TELEPHONE NUMBER (206) 753-9014

3. DATE (mo., day, & yr.) 9-13-88

III. INVESTIGATIVE ACTIVITY NEEDED

A. IDENTIFY ADDITIONAL INFORMATION NEEDED TO ACHIEVE A FINAL DISPOSITION.
 NEED TO DETERMINE WHETHER BLACK DROSS IS A CERCLA WASTE - DAVID BENNETT IS WORKING ON THIS WITH EPA HQ.
 IF IT IS A CERCLA WASTE, THEN CONDUCT PRELIMINARY HAS SCORE ON SITE.
 IF IT IS NOT, THEN PLACE SITE IN NFA CATEGORY.

B. PROPOSED INVESTIGATIVE ACTIVITY (Detailed Information)

1. METHOD FOR OBTAINING NEEDED ADDITIONAL INFO.	2. SCHEDULED DATE OF ACTION (mo., day, & yr.)	3. TO BE PERFORMED BY (EPA, Contractor, State, etc.)	4. ESTIMATED MANHOURS	5. REMARKS
A. TYPE OF SITE INSPECTION				
(1) _____	_____	_____	_____	_____
(2) _____	_____	_____	_____	_____
(3) _____	_____	_____	_____	_____
B. TYPE OF MONITORING				
(1) _____	_____	_____	_____	_____
(2) _____	_____	_____	_____	_____
C. TYPE OF SAMPLING				
(1) _____	_____	_____	_____	_____
(2) _____	_____	_____	_____	_____

USEPA SF



1589401

PHASE I SITE INSPECTION REPORT

ALUMINUM RECYCLING CORPORATION

TRENTWOOD

SPOKANE, SPOKANE COUNTY, WASHINGTON

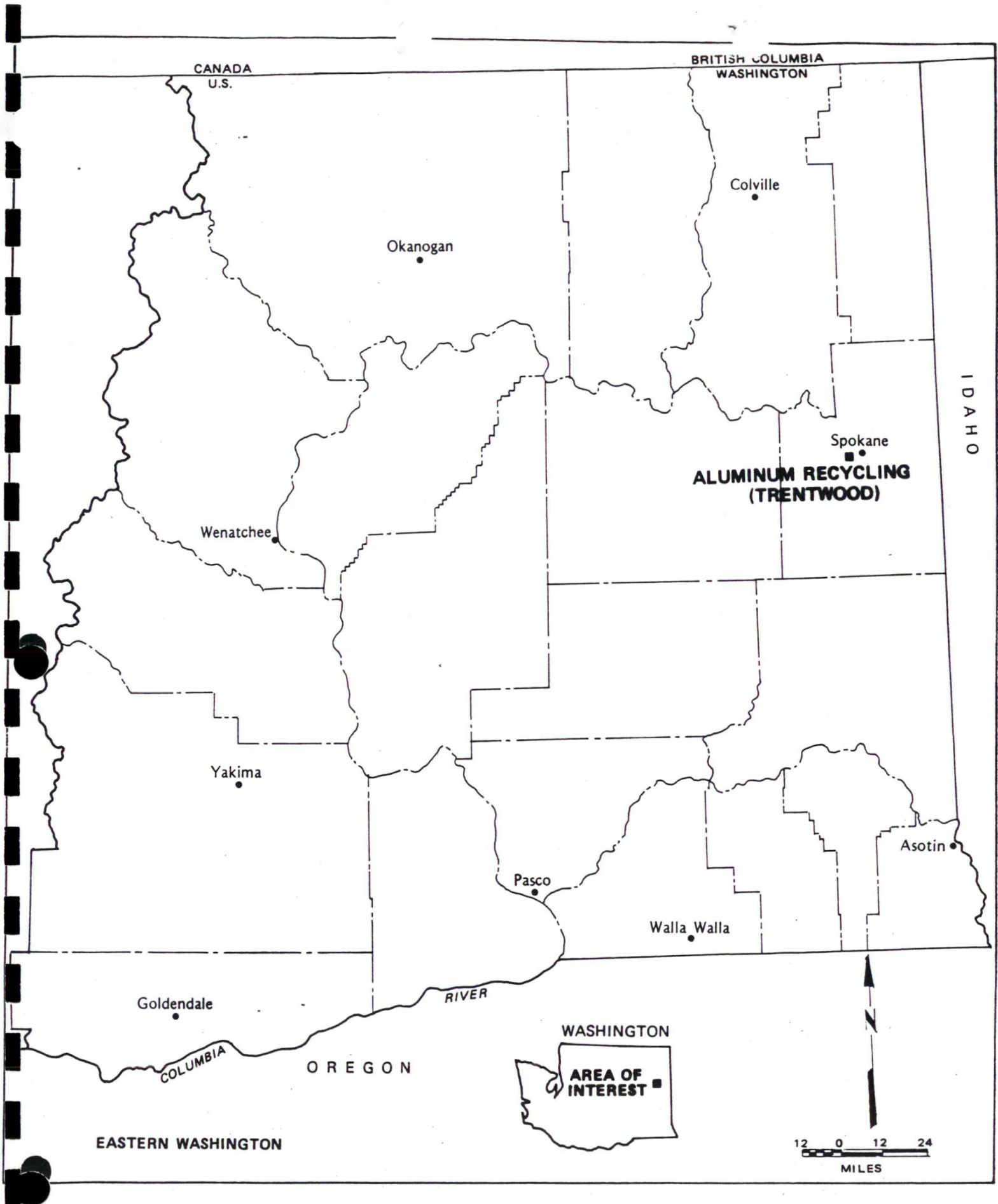
WAD 980722979

DECEMBER 1987

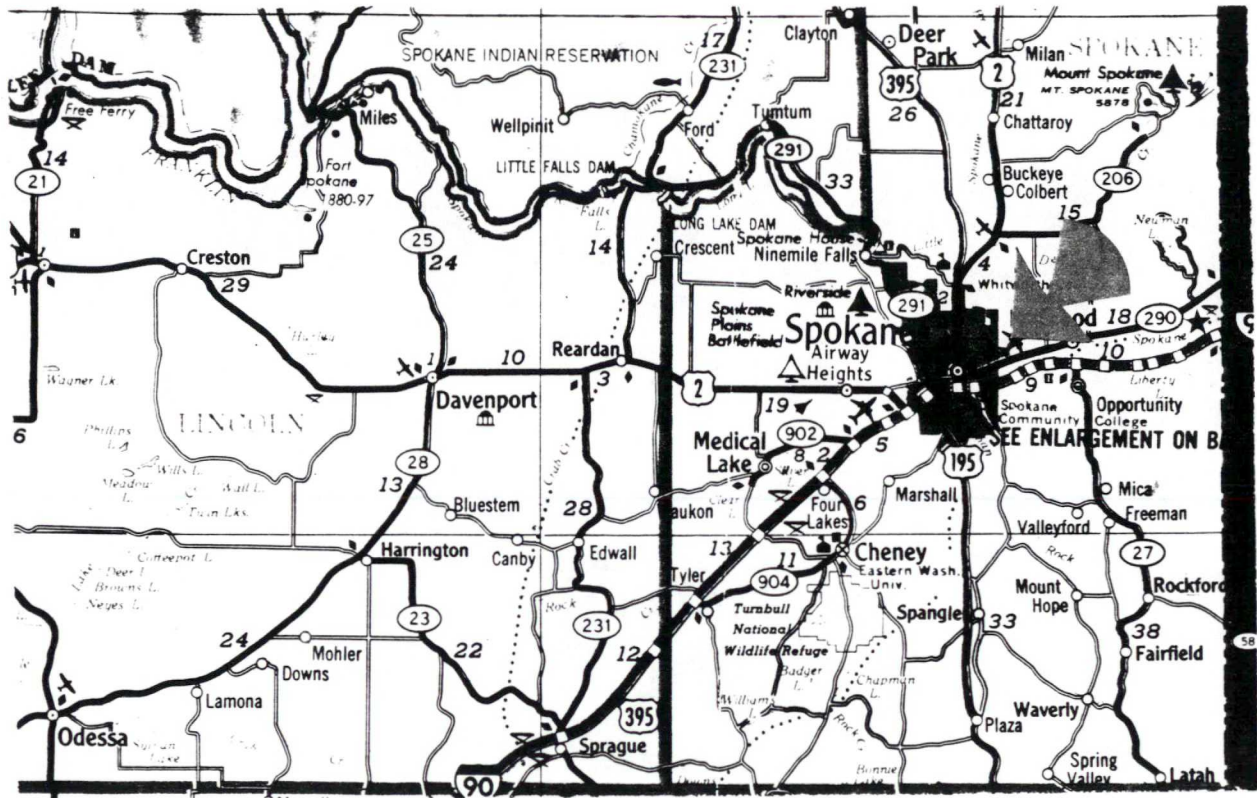
REPORT PREPARED BY

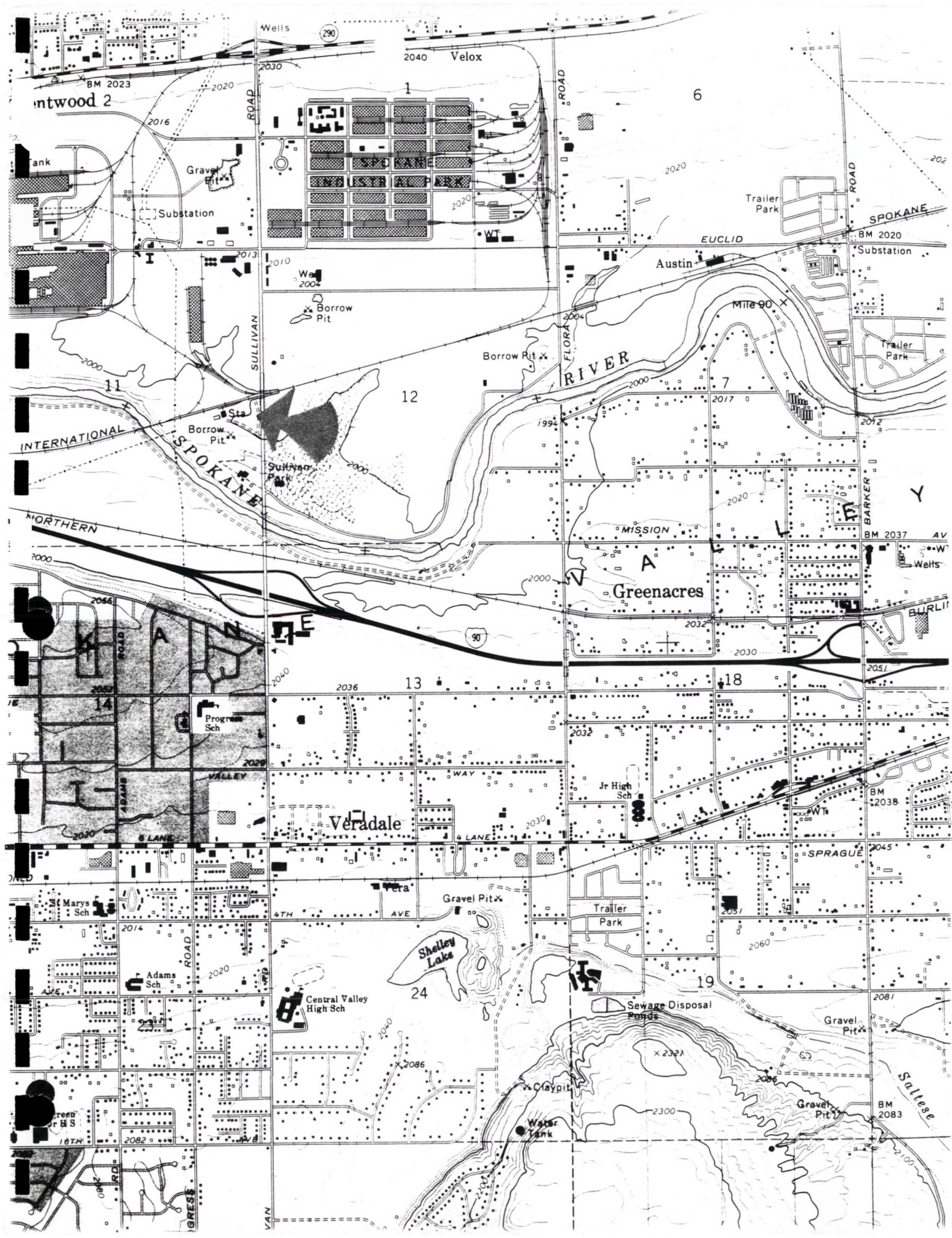
Fred Gardner

Washington State Department of Ecology
Preliminary Assessment/Site Inspection Section
Hazardous Waste Cleanup Program



LOCATION MAP, ALUMINUM RECYCLING (TRENTWOOD), SPOKANE COUNTY, WASHINGTON.





ARC TRENTWOOD SITE.
SPOKANE, WA.

T26N (all)
R44E (all)
SEC 11

↑
↓
N↑

RAILROAD TRACKS

IMPERIAL WEST CHEMICAL
(leased from Union Pacific RR)

EVIDENCE OF DROSS
STOCK PILING
AND MOVEMENT

RAIL CARS

ARC PROPERTY

DROSS
MOUND
ELEVATION
2025 MSL

PHOTO
3 →

TRAILER
OFFICE

DROSS
MOUND

PERIMETER ROAD

ELEVATION 2020, MSL

EROSION

THIS APPEARS TO BE DROSS
WASTE WHICH HAS BEEN PUSHED
OUT AWAY FROM THE ROAD TO
ACQUIRE NEW SPACE
(SEE PHOTOS)

TO SPOKANE RIVER .10 mile

↑ PHOTOS 1-2

SULLIVAN ROAD

BRIDGE

↑ PHOTOS
6-7

← PHOTO 9

↑ PHOTOS
4-5

PHOTO
10

PHOTO 8

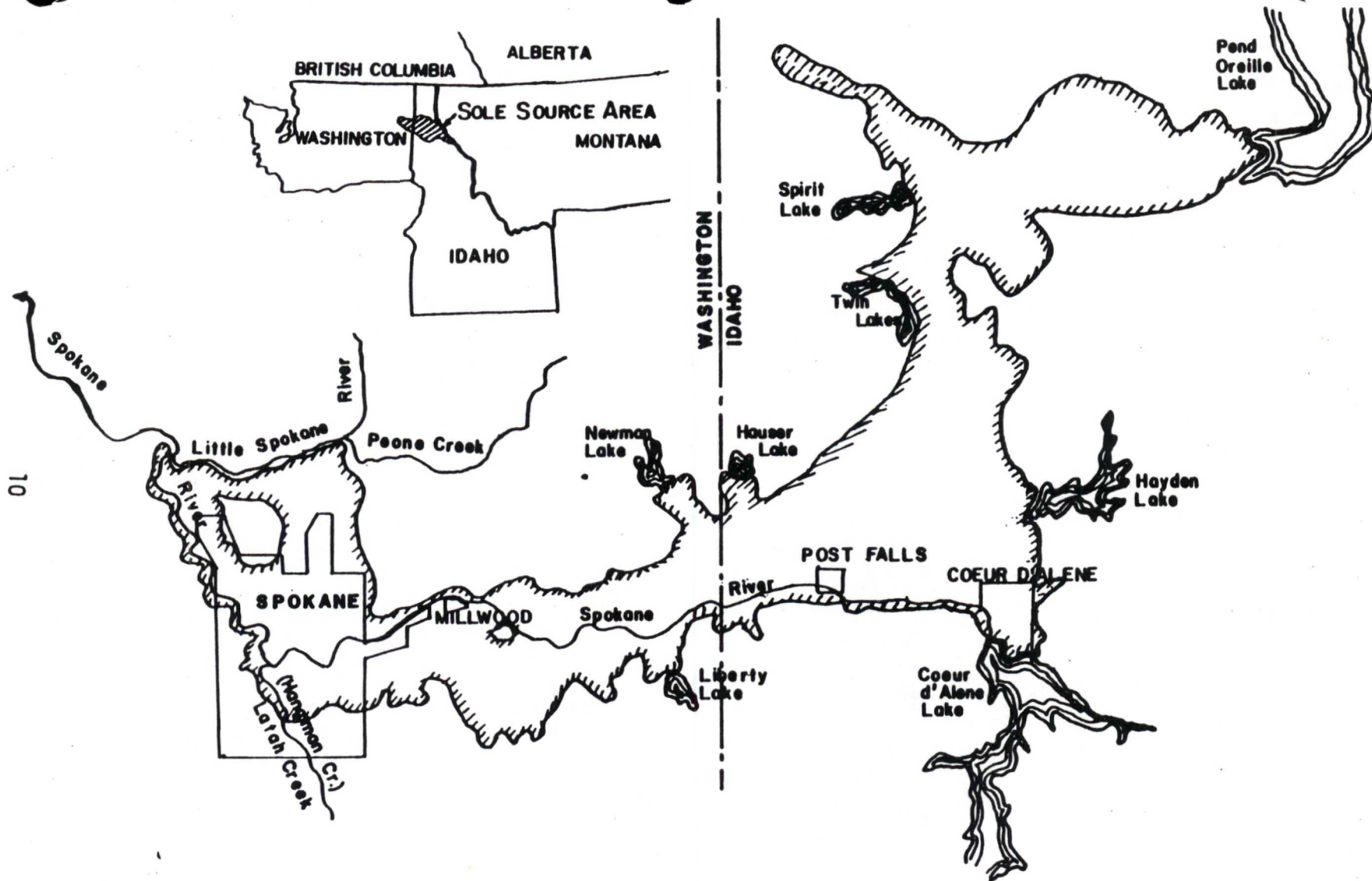


Figure 1. Spokane-Rathdrum Aquifer in Washington and Idaho.

208
 FROM: WATER QUALITY MANAGEMENT PLAN
 SPOKANE COUNTY APRIL 1979

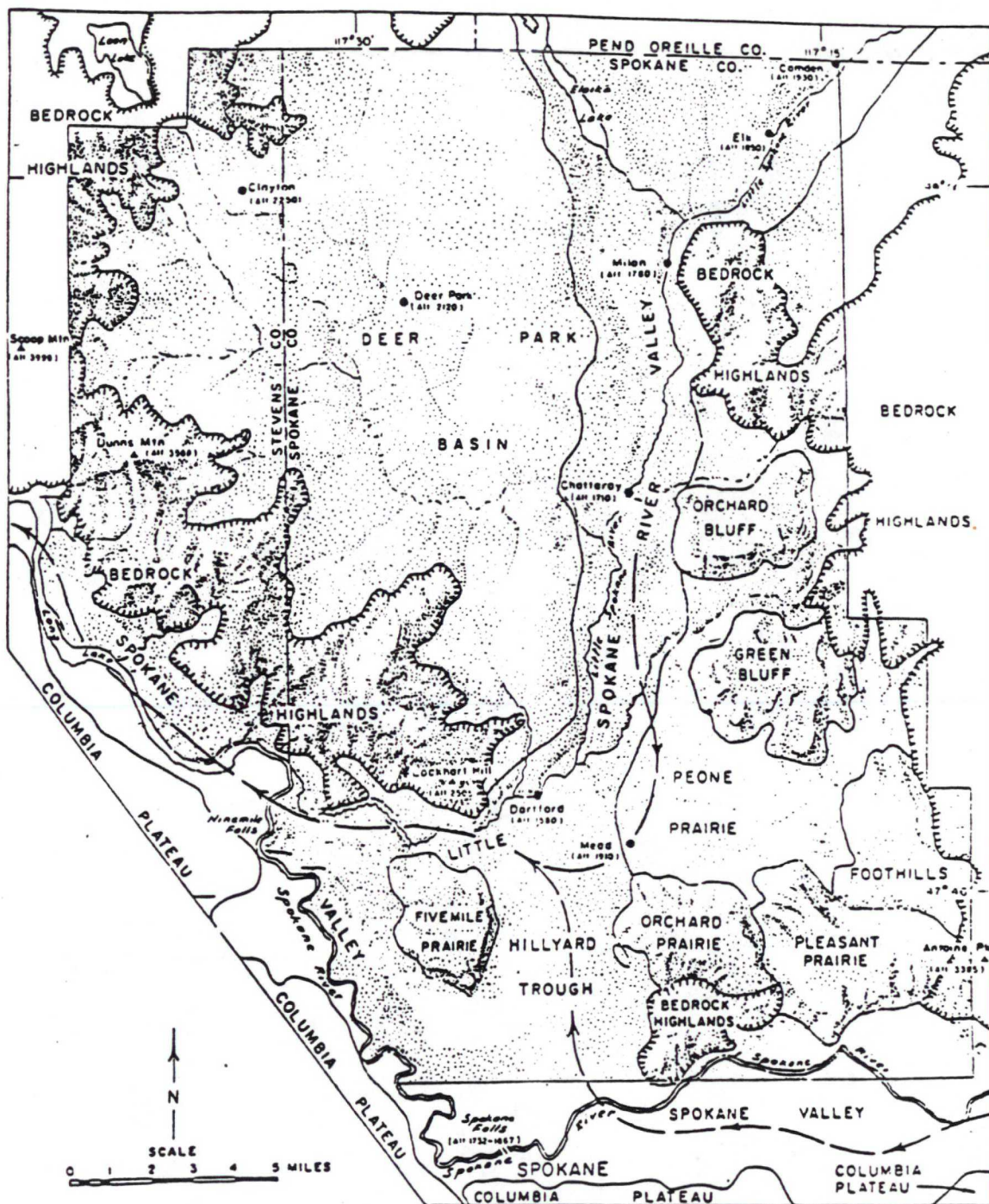


Figure 2 - Geographic subdivisions of the project area. Hachure-bounded areas are bedrock highlands. Dashed arrows show probable axes of deep preglacial valleys.

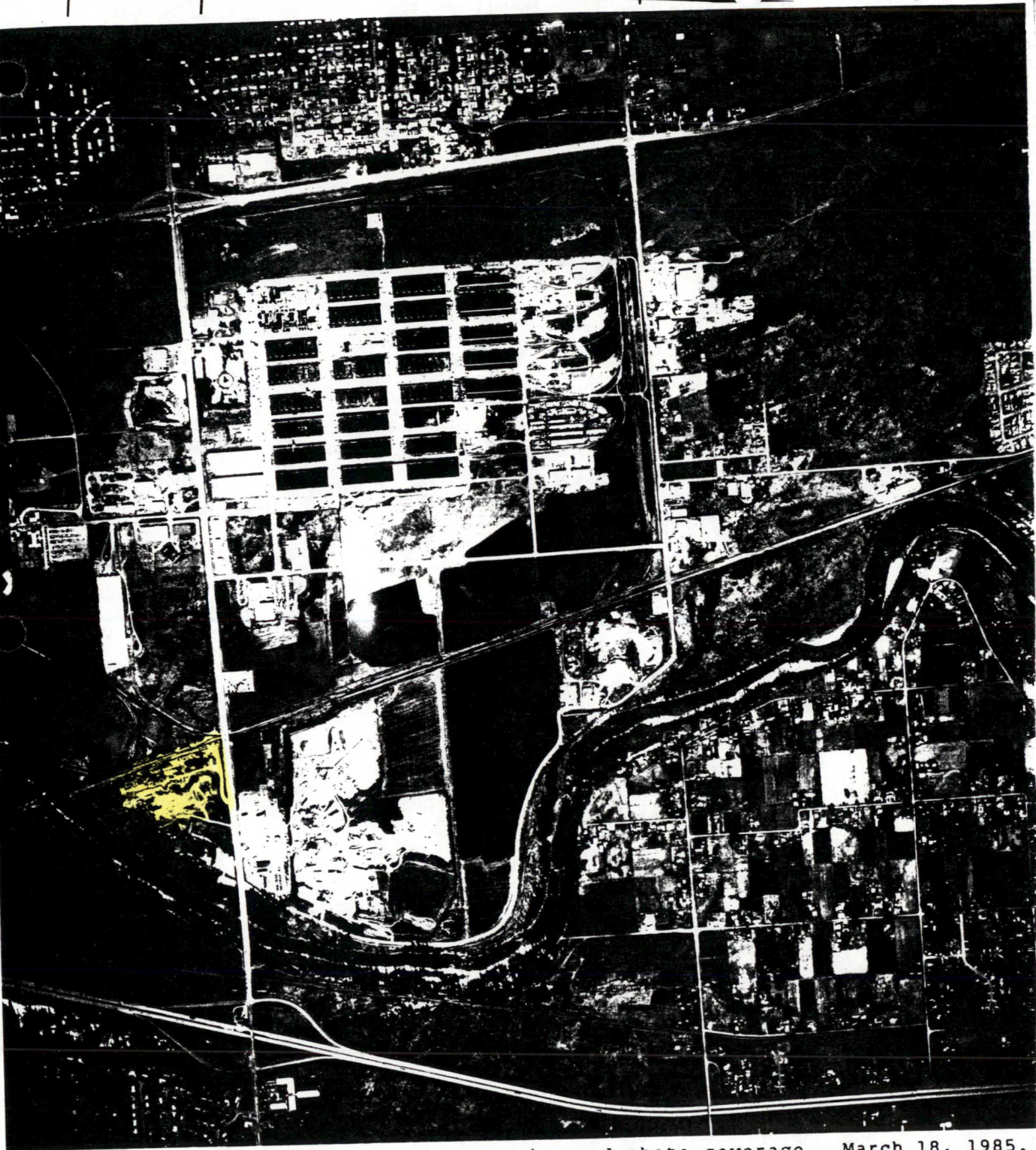


Figure 13. Trentwood site, regional view and photo coverage. March 18, 1985. Approximate scale 1:19,000.

INTRODUCTION

The Aluminum Recycling Corporation (ARC) facility at N. 2317 Sullivan Road, Spokane, Washington, also known as ARC Trentwood, (hereinafter referred to as site) has been identified by the U.S. Environmental Protection Agency (EPA) Region X and the Washington State Department of Ecology (Ecology) as requiring additional information to accurately profile the nature and extent of past waste disposal activities.

The potential hazardous waste site preliminary assessment (PA) of July 17, 1985 recommended that wells in the local area be sampled for possible contamination and that air quality be maintained by preventing dust and ammonia vapors from creating a public nuisance. It also recommended that the dross materials be appropriately disposed of. The subsequent inspection, carried out under the Superfund Multi-Site Cooperative Agreement Preliminary Assessment/Site Inspection Program (PA/SI) is described in this report along with further recommendations under the following sections:

- 1.0 Site Owner/Operator
- 2.0 Site History and Background
- 3.0 Environmental Setting
 - 3.1 Climate
 - 3.2 Geology/Hydrology
 - 3.3 Topography and Drainage
 - 3.4 Ground Water and Surface Water Uses
- 4.0 Ecology Site Inspection
- 5.0 Discussion
- 6.0 Conclusions and Recommendations
- 7.0 References

- Appendix A: Correspondence/Historical Data
- Appendix B: EPA Site Inspection Report Form
- Appendix C: Photographic Documentation
- Appendix D: Ecology Site Inspection

SITE NAME/ADDRESS

Aluminum Recycling Corporation
(Trentwood)
N 2317 Sullivan Road
Spokane, WA 98037

INVESTIGATION PARTICIPANTS

Fred Gardner	Washington State Department of Ecology Hazardous Waste Cleanup Program Mail Stop PV-11 Olympia, WA 98504 (206) 438-3014
Sherman Spencer	Washington State Department of Ecology Eastern Regional Office N. 4601 Monroe, Suite 100 Spokane, WA 98205-1295 (509) 456-2926
Phil Williams (telephone interview)	City of Spokane Director of Environmental Programs Municipal Building Spokane, WA 99201-3334 (509) 456-4370
John Huckaby	Imperial West Chemical N. 2315 Sullivan Road Spokane, WA 99216 (509) 922-2244
Roger Ray (interview regional office)	Washington State Department of Ecology Eastern Regional Office, Spokane N. 4601 Monroe, Suite 100 Spokane, WA 98205-1295 (509) 456-6174

PRINCIPAL SITE CONTACT

Sherman Spencer	Washington State Department of Ecology Eastern Regional Office N. 4601 Monroe, Suite 100 Spokane, WA 98205-1295 (509) 456-2926
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DATE OF PHASE I INSPECTION

October 13, 1987

1.0 SITE OWNER/OPERATOR

The site real property belongs to Union Pacific Railroad who leases the property to ARC and Imperial West Chemical, an adjacent property owner. At present ARC is in bankruptcy court and the legal status of their holdings and assets have not been resolved. The firm is being represented by Joseph Esposito of Esposito, Brown, Tombari and George, Attorneys at Law, Suite 960, Paulsen Building, Spokane, Washington 99201 (509) 624-9219. The Union Pacific representative is Robert Markworth, Plant Facility Engineer, Union Pacific Railroad, Omaha, Nebraska 68179. (402) 271-1078.

The operator of the ARC plant when it was in operation was Jack Lyon, MARALCO, INC., P.O. Box 1167, Kent, WA 98032-3167.

2.0 SITE HISTORY AND BACKGROUND

The site was started in 1979 by Jack Lyon and a rotary kiln was used to recycle aluminum cans and dross into secondary aluminum which was then sold. An adjacent company, Imperial West Chemical, (IWC) also used stored aluminum dross to make aluminum sulphate for concrete.

The site owners also had another facility called Hillyard Processing (Wellesley) which used much the same technology. The end product of both processes was a "black" dross which is very high in potassium and sodium chloride salts. IWC could handle high-salt dross but not both high and low salt dross at the same time. Their operation is only set up to process low-salt dross now. Some high-salt black dross has been left on-site because of this. Black dross has also been removed from the site by Union Pacific to the Mica Landfill. A new pile of low-salt dross has been moved to the site by IWC from the Hillyard site.

IWC is attempting to obtain some of ARC's assets, such as the rotary kiln, equipment, buildings and even some of the marketable dross (which it apparently has been able to do).

A legal firm for the creditors (of which IWC is one) has asked the court for an involuntary transfer of these assets. Nothing further has transpired in the legal standing of the company except for the transfer of the low-salt dross from Wellesley (Hillyard) to Trentwood.

In the process of smelting the aluminum out, not only is a substantial amount of black dross left as a by-product, but substantial air emissions are created and if not contained, can and did result in air pollution violations.

In late 1982 and early 1983 violations of air emissions occurred from the rotary kiln as well as releases of high salt content polluting substances which had been ordered bermed and covered by Ecology and the Spokane Air Pollution Control Authority.

From 1982 to 1985 numerous correspondence between Mr. Lyon and Mr. Buescher (another partner) and Ecology discuss various options. Promises were made by ARC to correct deficiencies. ARC and Ecology

went before the Pollution Control Hearing Board, where the company's fine was substantially reduced by the Board who said they had authority to set or modify the fines assessed by Ecology.

In May 1984, the company filed for reorganization under Chapter 11. Nothing has been done since that time by the company. Esposito et al. are handling the proceedings for MARALCO/ARC. The Union Pacific Railroad removed the remaining mound of black dross on the Trentwood site in August-September of 1986 to Mica Landfill. Since that time, the neighboring company, IWC transported low-salt dross from ARC's other property on Wellesley (Hillyard processing) to the site and now another pile exists on the site.

The low-salt dross is not designated by EPA or Ecology as a hazardous waste. The high-salt dross is designated a dangerous waste due to its high salt content (up to 50-70 percent sodium and potassium salts) and the fact that there are over 400 lbs. of it on-site. This designation is based on oral rat data. The designation is a mathematically calculated one.

It is unknown exactly how much high-salt dross is located on-site. Generally, the blacker the material, the saltier it is. Both types, low and high-salt occur on-site. The total amount is in the thousands of tons, a significant amount of material. One of the characteristics of the dross is that the weathering process causes a crust to form over the dross, possibly reducing the amount of salt available for leaching. Regardless, the rain, as little as it is compared to western Washington, may cause off-site migration of the salt. One reference was made on a map sketch of the site to a fish kill (in 1973). No other data or evidence has detailed this event. The Little Spokane River is within 0.10 mile of the site and the general topography slopes toward it. A research of the newspapers of that time period may reveal more information on this alleged fish kill.

In August 1983, Jim Malm of the Eastern Regional Office (Ecology) asked Mr. Buescher to analyze the dross. The following results were received:

	Percent by <u>Weight</u>
Calcium, (Ca)	0.06
Sodium, (Na)	14.15
Potassium, (K)	13.35
Aluminum, (Al)	21.4
Oxides, (as Al_2O_3)	40.4
Chloride, (Cl)	43.0
Fluoride, (F)	0.13
Nitrides, (as NH_3-N)	1.4
pH	10.14
Soluble Material	64.60

Ecology lab results on samples collected on August 26, 1983 show the following for EP Tox metals in micrograms per liter (parts per billion).

<u>Metal</u>	<u>Fresh Dross</u>	<u>Aged Dross</u>	<u>EPA Ep Tox Limits ppb</u>
Silver, (Ag)	10	10	5000
Barium, (Ba)	3300	750	100000
Chrome, (Cr)	20	20	5000
Cadmium, (Cd)	40	50	1000
Lead, (Pb)	260	260	5000
Mercury, (Hg)	0.2	1.1	200
Arsenic, (As)	106.0	136.0	500
Selenium, (Se)	434.0	158.0	1000

This analysis does not show any exceedance of EPA standards by any of these metals. Fish bioassays done on three other dross samples collected at the same time showed that in one sample fresh dross killed 100% of the salmon at 100 ppm and aged dross killed none at 1000 ppm. Several fish (7%) were killed by another fresh dross sample at 100 ppm. In the third sample, of aged dross, no mortality was observed at either 100 ppm or 1000 ppm.

A fish bioassay taken in July of 1984 for baghouse dust showed 100% mortality at 1000 ppm. Sampling from the ARC well on October 3, 1985 showed chloride levels of 2.8 mg/l, sodium 3.7 mg/l, potassium 3.6 mg/l, and conductivity 250 micromhos/cm.

The various values have confirmed so far that there is no hazardous material in the dross material, but it is still designated a state dangerous waste based on salt content.

3.0 ENVIRONMENTAL SETTING

The site is located east of the City of Spokane at N 2317 Sullivan Road. The site encompasses approximately three acres in an industrial zoned portion of the County. The site is somewhat rectangular in shape. The elevation is around 2000 to 2025 ft MSL. The latitude is 47°41'1" and longitude 117°11'9". The location is in Section 11, Township 25 North, Range 44 East, Willamette Meridian.

3.1 Climate

The climate of the Spokane area is influenced by being in between the Cascades and Rockies. The Cascades provide protection from wetter coastal weather and the Rockies prevent extremes in continental weather from travelling west into the Columbia Basin.

The mean annual precipitation is around 17 inches, falling mostly from September to April in the form of rain or snow (50 inch average). The average maximum two year, 24 hour rainfall is approximately 1.4 inches. The Spokane area has a mild climate with summer temperatures ranging from 80° to 90° in the day to 45° to 60° at night. Winter temperatures range from 25° to 40° in the day to 15° to 25° at night. Extremes in temperature are 110° in summer to -45° in winter.

3.2 Geology/Hydrology

The Spokane-Rathdrum sole source aquifer lies in eastern Washington and northern Idaho, extending from Lake Pend Oreille through the Spokane Valley under the city of Spokane, and exists as springs near the Little Spokane River. The aquifer underlies approximately 350 square miles and is composed predominantly of glacio-fluvial deposits. The deposits consist mostly of poorly to moderately sorted sands and gravels, with some beds of cobbles and boulders, and a few scattered clay lenses. The sands and gravels are relatively free of fine sand and silt, except in the uppermost 3-5 ft. of the aquifer.

Because of the relatively clean sand and gravel composition of the aquifer, its permeability is high. This high permeability, coupled with the aquifer's depth and its hydraulic gradient, results in velocities of approximately 60-90 feet per day. At this point, the volume of flow is approximately 1000 cubic feet per second. Lower velocities of approximately 10-50 feet per day occur toward the middle and western edge of the aquifer. These rates are high compared with more typical aquifer velocities, which range between 5 feet per day to 5 feet per year.

The Spokane-Rathdrum aquifer is several hundred feet thick. The water surface of the aquifer is about 178 feet below the land surface at the site, and only about 50 feet near the eastern boundary of the city of Spokane.

The aquifer is so shallow in some areas of the valley that it is exposed in some pits that are used for gravel quarries and concrete operations. On the northern boundary of the city of Spokane, the water level deepens to about 180 feet. Well logs of two large Spokane production wells, near the site, show water levels between 115 to 176 feet. The well on-site is at 125 feet with the static water level at 60 feet.

The direction of ground water flow is generally east to west regionally, with local variations, mainly to the north-northwest in the vicinity of the site. A divergence around Fivemile Prairie occurs here. Ground water velocities in the site area are as high as 46 ft/day (see map).

3.3 Topography and Drainage

The surface elevation of the site is around 2000 MSL. It is a small mesa shaped structure striking NW, SE. The SW facing edge of the property slopes down to 1980 MSL until just above the rivers edge where the topography drops steeply to the river level (at approximately 1920 MSL). The lower (SW) portion of the general site area was a gravel pit at one time. It is now filled and paved over into a Department of Transportation (DOT) park and ride lot. Drainage from this low area is to the river via storm drains or ditches.

3.4 Ground Water/Surface Water Uses

The ground water in the area is obtained from the Spokane-Rathdrum aquifer (see section 3.2). Sixteen public and 87 private wells exist within three miles of the site. The nearest well is on-site and was used by ARC and Imperial West Chemical. Several of the adjacent wells are large volume industrial wells. The Spokane River is used for irrigation and is 700 feet SW of the site.

4.0 ECOLOGY SITE INSPECTION

(See Appendix D).

5.0 DISCUSSION

The objectives of the SI were to (1) determine if hazardous materials were present on-site from records and site inspection, (2) ascertain if they were migrating off-site, (3) determine any potential receptor to off-site contamination and (4) make recommendations of further action at the site.

There is no EPA designated waste on this site (based on available sample results) nor was there in the past. This would make further efforts in the PA/SI area moot. However, the wastes are designated by the state as Toxic-Dangerous using oral rat toxicity data and amounts on-site as criteria.

Due to the large volume of dross on-site, some salt may be moving off-site either in surface pathways by being dissolved via rainfall or by seeping into the ground and possibly getting into the Spokane-Rathdrum sole source aquifer.

The mitigating factors preventing salt migration are the low rainfall in the Spokane area which probably does not allow any deep penetration into the soil. Aquifer depth is from 175 to 200 feet in that area. A more probable method of off-site migration may be surface water runoff to the Spokane River or to storm drains and ditches in the area.

6.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the findings of the PA/SI Phase I SI it is recommended that no further CERCLA investigation of the site is required and that the site be removed from the CERCLIS list of active potential hazardous waste sites.

The regional office of the Department of Ecology should be the focal point for any removal actions proposed by the owners.

The "conventional" pollutants (high salt) is still present in high concentrations and should be monitored if possible by sampling for conductivity in wells around the site and on-site.

7.0 REFERENCES

Personal Communications

Phil Williams	City of Spokane
Roger Ray	Ecology (Eastern Regional Office)
Cynthia Ross	Ecology - Environment, Seattle, WA
Deborah Cornett	Ecology (Eastern Regional Office)
Jim Malm	Ecology (Eastern Regional Office)
John Huckaby	Imperial West Chemical

U.S. Geological Survey, NW/4 Greenacres, 15' Quadrangle.
47117-F2-TF-024 1873 photo revised 1986.

Aerial Photographic Analysis of the Trentwood site, Trentwood Washington
EMSL project TS-AMD 85-011-85707-15. November 1985, Environmental
Monitoring Systems Laboratory Office of Research and Development.
U.S. EPA. Las Vegas, Nevada 89114. Contract 68-03-3245, 45 pages.

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U.S. Department of Commerce, 1956, Local Climatological Data, Spokane
Area, Nashville Climatic Center, Ashville, NC.

Climatological Data Annual Summary, Washington 1984. Volume 88,
No. 31. National Oceanic and Atmospheric Administration.

U.S.G.S. Water Supply Bulletin No. 27. Ground Water Resources and
Related Geology. North-Central Spokane And Southeastern Stevens
Counties, Washington, 1969.

Ecology Preliminary Assessment, July 17, 1985.

Final Report, Phase I Remedial Investigation of the North Market
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U.S.D.A. Soil Conservation Service Soil Survey. Spokane Co., 1968.

Cline, Denzel R., 1969. Ground Water Resources and Related Geology,
North-Central Spokane and Southeastern Stevens Counties, Washington,
Water Supply Bulletin No. 27; Washington Department of Water Resources.

Drost, B.W. and Setiz, H.R., 1978. Spokane Valley - Rathdrum Prairie
Aquifer, Washington and Idaho; U.S.G.S., Open File Report 77-829.

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Spokane County "208" Program, 1979. Spokane Aquifer Water Quality
Management Plan, "Final Report and Water Quality Management Framework
Recommendations for Policies and Actions to Preserve the Quality of
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U.S. Army Corps of Engineers, 1976. Water Resources Study Metropolitan
Spokane Region, Appendix B, Geology and Ground Water, Seattle District.

Aluminum Recycling Corporation

2317 N SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

November 30, 1982

Mr. James L. Malm
Eastern Regional Office
103 East Indiana
Spokane, Wa. 99207

Dear Sir:

A few days ago, you, myself and Mr. Williams of Kaiser Aluminum's Trentwood facility met at our plant to discuss the possibilities of recycling Kaiser's "black dross." As I explained to you, we need a test lot of approximately 150-200,000 lbs to process in order to establish the economics of our plan. As was mentioned, we have developed a method for extracting aluminum, recovering salts, and isolating the aluminum oxides from this material, using available on-site equipment and waste exhaust heat from our furnace at the Sullivan Road plant site.

While I recognize that in order to do this, we must request a variance from your existing regulations, I also am aware that one of your stated purposes (WAC-173-303-010) is to "encourage recycling to the maximum extent possible." Therefore, we are formally requesting that you allow us this material for experimental testing and economic evaluation. As I explained to you, when (not if) the system works, we will have a method of recycling 12-18,000 tons per year of this material from Kaiser. It seems to me that the state would jump through a hoop for this opportunity.

Please, if you have any questions, do not hesitate to call.

Very truly yours,



Henry T. Buescher
Vice President

HTB:blm

RECEIVED
DEC 15 1982
DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

100-100717
Doug DGD

Page 2

December 7, 1982

Aluminum Recycling Corporation
P. O. Box 6051
Spokane, WA 99207

Attention: Mr. Henry T. Duescher
Vice President

Dear Mr. Duescher:

I am writing in response to your November 30, 1982, letter. In that letter you requested authorization to process 150,000-200,000 pounds of Kaiser-Trentwood's "black cross" on a trial basis.

Your proposal appears to have merit in that it may convert a waste into commercial product(s). It will be possible to allow you to conduct your trial run of the material under WAC 173-303-605(1)(4). This section allows you a permit by rule as a "totally enclosed treatment facility". I have discussed your proposal with our headquarters staff and they feel this section best applies to your operation.

In addition to the provisions of the above referenced section, you must:

1. Obtain a facility identification number as a generator, treatment and storage facility. Please contact me if you require assistance.
2. Determine if your permit from the Spokane County Air Pollution Control Authority includes this activity. If not, then you should take action to include this operation in your permit. Ammonia generation may be a problem.
3. Store all leachable material (black cross and salt containing products) in a manner that precludes soluble salts from entering the soil and underlying ground water. Stockpiling of leachable material on the ground surface is prohibited.
4. Notify me when the first load of material is received. Manifesting and record keeping are required. Since this is a trial run on the material, please notify me when the test is complete.

COPY

AD990722

Page 2

December 7, 1982

Aluminum Recycling Corporation
Attention: Mr. Henry Ruescher

RECEIVED

If the test run of the material is successful and you decide to proceed with the project, we will want to evaluate that operation to insure environmental concerns are addressed.

Please contact me if you have any questions regarding this matter.

Sincerely,

James L. Main
Environmental Quality Division

JLM:adh

cc: Fred Gray, SCAPCA
Stan Miller, Spokane County, 208
Phil Williams, Kaiser-Trentwood
Jim Knudson, WDOE/Olympia

COPY



AIR POLLUTION CONTROL AUTHORITY

2. Make 4 Pages Pay
1001 - Sullivan Rd.
AF 92M
RECEIVED

JAN 27 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

January 26, 1983

Henry T. Buescher
Vice President
Aluminum Recycling Corp.
P.O. Box 370
Veradale, WA 99037

File
Aluminum Recycling
Spokane Co.

Dear Mr. Buescher:

Thank you for coming in this morning to discuss the compliance status of your plant on Sullivan Road. I thought that perhaps I had better follow up that conversation with a correction and some guidance for your compliance plan. This morning we talked about a variance request but a variance is not appropriate for a new source. New sources should be in compliance when first started up. So, what we need to talk about is an order from the Board of Directors, not a variance.

My letter of January 10, 1983, still applies. As I told you this morning, I was ready to order the plant closed immediately but relented when you reported that your phase 1 changes to the charging hood would be done by January 31, 1983. We expect you to proceed with those changes as well as the phase 2 and 3 modifications you described. If the compliance plan is not submitted as previously requested, (by January 30, 1983) we will order the plant closed until changes can be approved and incorporated to achieve compliance.

The following are items that should be part of the compliance plan and Notice of Construction and Application for Approval to be submitted by January 30 in order to gain our support for adoption of the order:

1. Charging door hooding changes as you described today.
2. The additional furnace enclosure as you described today.
3. Extend the baghouse exhaust stack so that the discharge point is high enough to eliminate downwash of the plume.
4. Install an in-stack opacity monitor with continuous recorder, and audible alarm.

5. Within a minimum time period, say 6-12 months, replace the baghouse now in use with a control unit capable of continuous service.

6. If the charging door hood changes of Item 1 do not cause all fugitive emissions to be collected, install a secondary hood over the charging end of the rotary barrel furnace and connect to a second control unit (possibly the existing baghouse). Other fugitive emissions may have to be collected and ducted to this unit, too.

Furthermore, any equipment effecting air pollution control must be properly maintained and used.

As I mentioned, we cannot simply disregard all of our regulations in order to get your company through its financial hard times. We must get the plant into compliance and administer the air pollution control program properly. Your cooperation is mandatory.

Sincerely,

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY

Fred O. Gray

Fred O. Gray, Director

cc: Jack Lyons, Maralco, Kent

L



ENVIRONMENTAL COMPLAINT REPORT FORM

1. Complaint No. _____
2. Date of Complaint 1/19/83
3. Date of Investigation 2-1-83

I. COMPLAINT REPORTED BY

Name SCAPCA Phone No. _____

Address _____

Date and time complaint first noted _____

Other information _____

II. LOCATION:

4. Watercourse SPOKANE VALLEY AQUIFER

5. Region: ☐ Northwest ☐ Southwest ☐ Central ☒ Eastern

6. District: (1) _____ (2) 6

7. County and Town SPOKANE

7a. Legal _____ Section _____ Township _____ Range _____

III. POLLUTANT:

8. Pollutant Source BLACK DROSS

9. Material _____

10. Quantity _____

Area or miles affected _____

(If dead or dying fish are visible, fill out Nos. X, XI and XII.)

IV. RESPONSIBILITY:

11. Person or Entity: Name ALUMINUM RECYCLING Phone No. _____

Address _____

Violator: ☐ Confirmed ☐ Suspected ☐ Unknown

V. CAUSE:

12. Brief Description: SCAPCA INSPECTORS

QUESTION WHETHER DROSS IS
OR IS NOT DIRECTLY ON GROUND.

VI. CLASSIFICATION:

13. Source: ☒ Ground Water ☐ Surface Water ☐ Flood Control ☐ Shoreline
14. Permit involved: ☐ Yes ☐ No
15. If Yes, Type and Number _____

VII. COMPLAINT RECEIVED BY:

Name ROGER RAY
Time and date 8:55 1/19/83

VIII. COMPLAINT INVESTIGATED BY:

Name Jim Malm, Roger Ray 2-1-83
Action Taken: Requiring control of storage at site

IX. MISCELLANEOUS:

Were pictures taken? ☐ Yes ☐ No Were samples taken? ☐ Yes ☐ No
Individuals and agencies notified _____

Witnesses: Name _____ Name _____
Address _____ Address _____

Attachments _____

X. FISH KILL

Estimated number of dead fish _____ Estimated percent scrapfish _____
Predominant species and size _____

XI. SUSPECTED AGENT OR REASON FOR KILL

Agent _____
Describe effects _____
Action taken _____

XII. ADDITIONAL INFORMATION:

FILE #
ALUMINUM RECYCLING
CORP. (FORMERLY HILLYARD PROCESSING-
SULLIVAN ROAD) OTHER

TO Claude W. Sabbington
Homer H. Ray and
James H. Ray

FROM _____

SUBJECT James H. Ray - assassin
Sullivan and Sullivan

DATE March 11, 1968

State of
Washington
Department
of Ecology



The above information was obtained from the records of the Department of the Interior, Bureau of Land Management, and is being furnished to you for your information. The information is being furnished to you in confidence and is not to be distributed outside your agency.

Mr. Jones is to have a self recovery system in design/construction. Tentatively, it should be in operation by mid-'89. With system capacity, Mr. Eganathan suggested that the present 100-ton accumulation could be cleaned in two months. However, in response to our question, it was estimated another 50 to 60 tons of creosote would be accumulated by the time of start-up of the self system.

In answer to a second question, Mr. Tordella stated that the reaction after self-irradiation would be similar to that for use by Imperial West Chemical. The residue will be mostly aluminum oxide, with some aluminum. At this point, by introduction(?) John Nichols of Imperial West Chemical (IWC) joined the discussion. IWC will use the extracted Gross residue for aluminum sulfate manufacture, but also will have a self-treating waste to discharge.

The solution, about 500,000 lb. per water day, would be about 1% mined salts (12% $\text{NaCl}/78\%$ Na_2SO_4). This would amount to 5,000 lb./day total salt for discharge. If feasible, they will process, discharge through the S.W. wastewater plant. It would have to determine whether the discharge of this quantity of salt would have a significant adverse impact on water quality.

MEMORANDUM

FILE:
 ALUMINUM RECYCLING
 CORP. (FORMERLY HILLIARD PROCESSING)
 HILLIARD PROCESSING
 SULLIVAN ROAD

CHECK INFORMATION FOR ACTION PERMIT OTHER

TO: Claude W. Sappington
 Roger K. Ray and
 James L. Laine

FROM: Aluminum Recycling Corporation
 Sullivan Road Facility

SUBJECT: Aluminum Recycling Corporation
 Sullivan Road Facility

DATE: February 2, 1983

State of
 Washington
 Department
 of Ecology



On the morning of February 1, 1983, we met with Henry T. Buescher, Vice President of Aluminum Recycling Corporation (ARC). This is a successor firm to Hilliard Processing.

They are doing, or plan to do, a number of things at this site. However, our discussion of this day centered on their storage of a "black dross" on the site. This dross is created by ARC in the operation of their rotary barrel furnace for re-melting of aluminum cans. The dross contains about 30% aluminum oxide and 50% mixed salts (NaCl/KCl), with many impurities, including some ammonia generating nitrides. The mixed salts are supposed to be 30/70 KCl/NaCl.

Since start of the furnace operation in August, 1982, an estimated 400 tons of dross has accumulated and is stored directly on the ground with no protection from precipitation, etc. The material is dangerous waste. The basic situation statement is that the present unprotected storage is not adequate and ARC must either a) provide adequate storage (our determination), or, b) dispose of the dross at Vica.

ARC claims to have a salt recovery system in design/construction. Tentatively, it should be in operation by "mid-May". With system capacity, Mr. Buescher suggested that the present 400-ton accumulation could be cleared in two months. However, in response to our question, it was estimated another 350 to 600 tons of dross would be accumulated by the time of start up of the salt system.

In answer to a second question, Mr. Buescher stated that the residue after salt extraction would be stockpiled for use by Imperial West Chemical. The residue will be mostly aluminum oxide, with some aluminum. At this point, by coincidence(?), John Huckaby of Imperial West Chemical (IWC) joined the discussion. IWC will use the extracted dross residue for alum (aluminum sulfate) manufacture, but also will have a salt washing waste to discharge.

The solution, about 500,000 lb. per water day, would be about 1% mixed salts (30% KCl/70% NaCl). This would amount to 5,000 lb/day total salt for discharge. If possible, they will propose discharge through the S.I.P. wastewater plant. We would have to determine whether the discharge of this quantity of salt would have a significant adverse impact on water quality.

ECY 010-4

MEMORANDUM

TO : Claude W. Sappington - Page 2
 Roger K. Ray and
 James L. Holt

FROM : _____

SUBJECT : Aluminum Industry Operations
Sullivan Land Facility

DATE : February 2, 1963



The meeting concluded with the following agreements with the ARC:

1. ARC will agree that no other work modification to their plant will be required by their design.
2. ARC will submit to the Pollution Control for land use prevention:
 - a. The existing site will be closed with a sanitary landfill.
 - b. Activities on the cover after April 1, 1963, will be as suitable as possible (e.g., fresh material is not and must be allowed to cool).
 - c. The salt recovery facility will start operation by May 31, 1963.
 - d. Gross accumulation through August 31, 1963, will be processed by August 31, 1963.
 - e. If d. is not accomplished, it will be deemed satisfactory if the accumulation is being removed at a rate at least equal to the rate of generation as of August 31, 1963.
 - f. If neither d. or e. have been achieved by that date, the accumulated material will be moved to the land sanitary landfill.
 - g. ARC will design, receive approval from the EPA and construct an adequate permanent storage facility by August 31, 1963.
 - h. All gross storage after August 31, 1963, will utilize the storage facility.

The above program will be presented to Mr. Inschner by letter to be prepared by Jim Holt. If the WDOF Supervisor ARC is not progressing in a responsive fashion, an ORPDC pursuant to RCW 17.04.120 may be issued.

Mr. Inschner, while not critical about this program, did appear to agree with it. However, comments related to us if it would indicate that our problems may still be serious.

ECY 010-4

MEMORANDUM

TO: Claude W. Sappington - Page 2
Roger K. Ray and
James L. Malm
 FROM: _____
 SUBJECT: Aluminum Recycling Corporation,
Sullivan Road Facility
 DATE: February 2, 1983

The meeting concluded with the following agreements with Mr. Buescher:

1. ARC must amend their dangerous waste notification to include the black dross produced by their facility.
2. ARC will commit to the following program for leachate prevention:
 - a. The existing pile will be covered with a waterproof covering by March 1, 1983.
 - b. Additions to the cover after March 1, 1983, will be at suitable increments (e.g., fresh material is hot and must be allowed to cool).
 - c. The salt recovery facility will start operation by May 31, 1983.
 - d. Dross accumulation through May 31, 1983, will be processed by August 31, 1983.
 - e. If d. is not accomplished, it will be deemed satisfactory if the accumulation is being removed at a rate at least equal to the rate of generation as of August 31, 1983.
 - f. If neither d. or e. have been achieved by that date, the accumulated material will be moved to the Mica Sanitary Landfill.
 - g. ARC will design, receive approval from the WDOE and construct an adequate permanent storage facility by August 31, 1983.
 - h. All dross storage after August 31, 1983, will utilize the storage facility.

The above program will be presented to Mr. Buescher by letter to be prepared by Jim Malm. If the WDOE determines ARC is not progressing in a responsive fashion, an ORDER pursuant to RCW 90.48.120 may be issued.

Mr. Buescher, while not ecstatic about this program, did appear to agree with it. However, experiences related to us by SCAPCA would indicate that our problems may only be starting.

REF: JLM:RCL

ECY 010-4

Claude
Roger
Jim P
Pls. return
Jim

February 4, 1983

Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Attention: Mr. Henry T. Buescher
Vice President

Dear Mr. Buescher:

I am writing to document the compliance agreement we jointly developed at our February 1, 1983, meeting. We agreed upon the following:

1. You will amend your dangerous waste notification to include all dangerous wastes generated by your facility. The original notification you filed included only the Kaiser Trentwood "trial" material. I have enclosed an example form for your use and have indicated in red where you need to sign, date and provide quantity information. Please return the completed form to me.
2. You agreed to accomplish the following to prevent leachate generation from your black dross stockpile:
 - a. The existing stockpile will be covered with a waterproof covering by March 1, 1983.
 - b. Additional material stockpiled after March 1, 1983, will be covered as soon as possible.
 - c. Diversion ditches will be constructed around covered stockpiles to prevent runoff from standing at the base of the piles.
3. Your salt recovery process will commence by May 31, 1983. Based on this date, we agreed that:
 - a. All black dross accumulated on site through May 31, 1983, will be processed by August 31, 1983.
 - b. In the event 3a. is not accomplished, it will be deemed satisfactory if the accumulation is being removed at a rate at least equal to the rate of generation as of August 31, 1983.
 - c. In the event neither 3a. or 3b. are accomplished by August 31, 1983, then all accumulated material will be disposed of at the Mica sanitary landfill. You should make arrangements with Damon Taam, Spokane County Utilities Department, for this contingency.

Page 2

February 4, 1983

Aluminum Recycling Corporation
Attention: Mr. Henry T. Buescher
Vice President

4. As a permanent solution to on-site black dross storage, you agreed to construct a permanent storage facility for black dross by August 31, 1983. This facility will be designed to prevent leachate from storage from entering the ground. Your plans and specifications for the facility require our review and approval prior to construction. All dross generated after August 31, 1983, will be stored in the new storage facility.

Please contact me if you have any questions regarding this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adh

Enclosures

cc: Fred Gray, Spokane County Air Pollution Control Authority
Stan Miller, Spokane County Engineer's Office
John Anicetti, Spokane County Health District
Damon Taam, Spokane County Utilities Department

COPY

Aluminum Recycling Corporation

Received
Doug
return

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

February 10, 1983

Mr. James L. Malm
Environmental Quality Division
State of Washington
Department of Ecology
E. 103 Indiana
Spokane, Wa. 99207

DEPT. OF ECOLOGY
SPOKANE REGIONAL OFFICE

Dear Mr. Malm:

I am in receipt of your letter dated February 4, 1983. This letter responds, on an item by item basis, to yours and recaps our meeting and agreements.

1. Subsequent to our meeting of February 1, 1983, I independently pursued the issue of whether our "black dross" ought even to be classified as a dangerous waste. My preliminary research indicates that our dross does not generate ammonia and therefore judge that it should not be classified "dangerous." I wonder if it might be inappropriate to classify our dross as such when no evidence exists that it is. Therefore, I think that it would not be prudent for us to amend our original application until this issue is resolved. Perhaps your department would be willing to pursue additional research on this matter.

2. On February 2, 1983, I called the Griffolyn Company in Houston and requested they send to us samples and price quotations on fabric and sealing tape. I expect to hear from them shortly. There might be a slight delay in this project subject to fabric delivery. However, we will cover the pile as soon as possible. Once the pile is covered, we'll examine the placement and effect of "diversion ditches."

Mr. James L. Malm
Page 2

3. My recollection of this item concurs with yours.

4. My recollection of this item does not concur exactly with yours. I recall stating that, if necessary, we would construct a storage facility for black dross. That qualification was predicated on the assumption that our existing concrete pad would prove inadequate for intermediate storage, assuming we were unable to adequately consume our by-product in the salt evaporation. I think that by next summer you and I will have a much better handle on this situation so I would like to defer an absolute commitment to construction until then. In the meantime, rest assured that we are committed to resolving this issue.

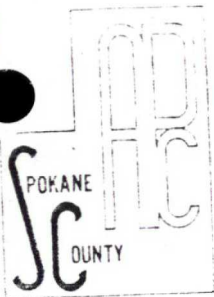
A comment. I do want you to consider this letter as a good faith pledge of our intentions to identify and resolve the matters which we have discussed. I appreciate your time and efforts and remain,

Very truly yours,



Henry T. Buescher
Vice President

HTB:blm



AIR POLLUTION CONTROL AUTHORITY

if jzm
RECEIVED

FEB 17 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

February 16, 1983

Pls return, jim

Henry Buescher
Aluminum Recycling Corp.
P.O. Box 6051
Spokane, WA 99207

Dear Mr. Buescher:

This letter is to be considered an Order issued under the authority of the Clean Air Act of Washington, 70.94 RCW and Article II, Regulation I of this Agency.

Due to the almost daily recurrences of bag failures at your plant, we are hereby issuing the following Order. As expeditiously as possible but no later than March 1, 1983, all bags in the existing baghouse shall be replaced with new ones. During the period of time that the bags are being replaced, the baghouse shall be thoroughly inspected and all other necessary repairs made. After the bags have been changed, your company shall notify this agency so that we may make an inspection of the interior of the baghouse prior to startup. From this date until the baghouse has been inspected by this agency, your company shall take all reasonable means to prevent bag failures and violations of SCAPCA standards.

This Order should not be construed as fulfilling all requirements with this agency's regulations. It is our intent to discuss with you in the next few days the terms of an Order which will provide for the complete compliance with our regulations.

Sincerely,

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY

Fred O. Gray
Fred O. Gray, Director

cc: Department of Ecology, Spokane
Jack Lyons

L

February 28, 1983

Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Attention: Mr. Henry T. Buescher
Vice President

Dear Mr. Buescher:

I am writing in response to your February 10, 1983, letter:

1. The classification of your "black dross" as dangerous waste is not based solely on the fact that it generates ammonia. You indicated to us during our February 1, 1983, meeting that your dross contained approximately 50% salt. These salts are sodium chloride and potassium chloride in a ratio of 7:3. WAC 173-303-084 addresses such mixtures and provides a method for designating them. This method is based on concentration and quantity of constituents.

In relation to your black dross, this section would be applied as follows:

<u>Constituent</u>	<u>Toxicity</u>	<u>Toxic Category</u>
NaCl	oral rat LD ₅₀ -3000 mg/kg	D
KCl	no data available	-

Based on the above, we would use only the NaCl information to classify the waste. The total concentration of NaCl in the black dross is 35% (0.7 x 50%). Using the formula in WAC 173-303-084, we determine the Equivalent Concentration (E.C.) of the material as follows:

$$E.C. (X) = \frac{\sum X}{10} + \frac{\sum A}{100} + \frac{\sum B}{1000} + \frac{\sum C}{10000} + \frac{\sum D}{100000}$$

Substituting:

$$E.C. (X) = 0\% + 0\% + 0\% + 0\% + \frac{35\%}{10,000} = 0.0035\%$$

Using the Toxic Dangerous Waste Mixtures Graph (WAC 173-303-9906), we find that your waste with an Equivalent Concentration of 0.0035% exceeding 400 pounds is classified as dangerous waste. The requirement that you certify for the generation of dangerous waste stands as specified in my February 4, 1982, letter.

Page 2

February 28, 1983

Aluminum Recycling Corporation
Attention: Mr. Henry T. Buescher
Vice President

2. I recognize that the March 1, 1983, date for covering the stored black dross may be hard to meet. I am requesting that you notify me as to the date you will definitely have the material covered and storage area trenched.
3. It is my position that on-site storage of black dross will require improvements in your facility. There was, to the best of my recollection, no discussion of whether your existing concrete slab will be adequate for such storage. I doubt that this slab would be acceptable since many fractures appear to exist. If you can upgrade your existing facilities to provide on-site storage that prevents leaching of the material, that would be acceptable.

We do expect you to inform us in writing of what your plans are regarding storage. You must demonstrate that no material will leach from storage. The requirement that you provide storage that prevents leaching by August 31, 1983, stands.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adh

cc: Fred Gray, Spokane County Air Pollution Control Authority
Stan Miller, Spokane County Engineer's Office
John Anicetti, Spokane County Health District
Damon Tamm, Spokane County Utilities Department

COPY

TELEPHONE USE REPORT

DATE: 3-7-83

TIME: ~ 1530

ROUTING

Roger [initials]
 Jim P. [initials]
 return
~~file~~

SUBJECT: Aluminum Recycling D.W. Compliance

CALL FROM: Henry T. Buescher

TITLE: V.P.

LOCATION AND TELEPHONE NUMBER: _____

CALL TO: Jim Malm

TITLE: _____

LOCATION AND TELEPHONE NUMBER: _____

SUMMARY OF CALL:

Buescher returned my call (returning his) had the following information:

1. Gryfflow ^{T-55} liner is on order and in transit - He did not provide an installation date, I forgot to ask.
2. He questioned the D.W. classification of black dross, but agreed to submit Notification as generator
3. He said that he doubted that all bl. dross would be consumed by process and felt he would have to get into a "hauling program."

Jim
 (Signature)

MEMORANDUM

CHECK
INFORMATION _____
FOR ACTION _____
PERMIT _____
OTHER _____State of
Washington
Department
of Ecology

TO: Gail Keyes

FROM: James B. Prudente

SUBJECT: Stockpile of Black Dross Waste at
Aluminum Recycling Corporation

DATE: August 4, 1983

VI.

On February 1, 1983, Jim Malm and Roger Ray, Eastern Regional Office, met with Henry T. Buescher, Vice President of Aluminum Recycling Corporation, to discuss the compliance schedule for stockpiling black dross generated at their Sullivan Road plant. The agreement reached at that meeting outlined the following requirements to prevent leachate generation from the black dross stockpile:

1. The existing stockpile would be covered with a waterproof covering by March 1, 1983.
2. Diversion ditches would be constructed around covered stockpiles to prevent runoff from standing at the base of the piles.

A salt recovery process was to be operational by May 31, 1983, and all accumulated material processed by August 31, 1983. If the process was not implemented, then the accumulation was to be removed at a rate of at least equal to the rate of generation. In the event that neither of these options were accomplished by August 31, 1983, all material was to be disposed of in the Mica Sanitary Landfill.

On August 2, 1983, Jim Malm and I met with Mr. Buescher at Aluminum Recycling's Sullivan Road plant. Mr. Buescher stated that he has purchased the waterproof covering for the stockpile but it is not in place. He also stated that he was contracting for removal of approximately 3,000 tons of black dross to the Mica Sanitary Landfill.

Mr. Buescher has made no progress to date to properly store black dross at his facility, including not constructing diversion. Neither has the salt recovery process been implemented.

IX.

In light of the situation noted above, we are recommending that Aluminum Recovery Corporation be ORDERED to:

MEMORANDUM

CHECK
INFORMATION ____
FOR ACTION ____
PERMIT ____
OTHER ____

TO Gail Keyes - Page 2
FROM James B. Prudente
SUBJECT Stockpile of Black Dross Waste of
Aluminum Recycling Corporation
DATE August 4, 1983

State of
Washington
Department
of Ecology



1. Commencing no later than August 31, 1983, remove to the Mica Sanitary Landfill, all black dross not suitable for recycling or that cannot be protected with a waterproof covering. This must be accomplished as rapidly as possible, but in no case in more than thirty (30) days, i.e., by September 30, 1983.
2. By October 1, 1983, all black dross stored on site must be protected with a waterproof covering and berms or ditches. All black dross generated after October 1, 1983, must be contained in this interim storage facility, subject to limitations in Item 3.
3. By November 30, 1983, Aluminum Recycling Corporation must submit Plans and Specifications for a permanent black dross storage facility to the Washington Department of Ecology (WDOE), Eastern Regional Office (ERO), for review and approval. When Plans and Specifications are approved, the WDOE, ERO, will develop a compliance schedule for construction of the permanent storage facility. Until the permanent storage facility is constructed, Aluminum Recycling Corporation is limited to 1,000 tons of black dross storage in the interim storage facility. All black dross generated in excess of 1,000 tons must be disposed of in the Mica Sanitary Landfill.

We are requesting that this ORDER be issued to Aluminum Recycling Corporation pursuant to RCW 90.48.120(2), RCW 70.105.095 and WAC 173-303-660.

JBP:adw



RECOMMENDATION FOR ENFORCEMENT ACTION

MEMO TO: Enforcement Officer

DATE: August 4, 1983

FROM: James B. Prudente

(Full Name of Investigator)

(509) 456-2926

(Public Telephone Number)

RECOMMEND ENFORCEMENT ACTION BE TAKEN AGAINST:

I. Aluminum Recycling Corporation

(Name: Company, Individual, Municipality, County, etc.)

P. O. Box 370 Veradale, WA 99037

(Address)

(Zip Code)

II. For:

A. Violation of Water Well Construction Act of 1971, Chapter 18.104 RCW.

1. Specific paragraph RCW/WAC

2. Failure to submit a well report for a well drilled for

(Name of Wellowner)

(Address)

(Permit Number)

B. Violation of Clean Air Act, Chapter 70.94 RCW. Specific paragraph RCW/WAC

C. Violation of Flood Control Laws, Chapter 86.16 RCW. Specific paragraph RCW/WAC

D. Denial of water right application Number

Volume of withdrawal or diversion

Proposed use

(RCW 90.03.290)

E. Violation of Water Resources Laws, Title 90 RCW. (Reference RCW 43.27A)

Specific paragraph RCW/WAC

F. Unlawful discharge of wastes into public waters, RCW 90.48.080.

X

G. Water Quality Regulatory ~~Notice to Clean Up~~ RCW 90.48.120.

H. Noncompliance with waste discharge permit, RCW 90.48.180. (Include a copy of page 1 and the page of the permit containing the condition violated)

I. Intentional or negligent discharge of oil into state waters, RCW 90.48.350.

1. Type of oil (diesel, gasoline, fuel, bunker C, crude, etc.)

2. Amount of oil spilled gallons/barrels.

J. Modification of Water Quality Criteria, WAC 173-201-100(2).

X

K. Other RCW 70.105.095/WAC 173-303-660

III. The violation occurred at: (Time) N/A (Date) N/A

IV. Location of the incident/activity: N. 2317 Sullivan Road, Spokane, Spokane County, Washington

Potential ground water contamination

V. Name of watercourse involved: sole source aquifer. Class: N/A

Date: August 4, 1983

RECOMMENDATION FOR ENFORCEMENT ACTION

Name of Company or Individual: Aluminum Recycling CorporationVI. Narrative of incident/situation: (Use separate page or memo if necessary)
See attached memo.

VII. Physical evidence obtained: Samples _____ Pictures _____ Other _____

VIII. Names and addresses: _____

IX. Recommended penalty OR regulatory action to be taken: See attached memo.

Enclosures

Lab Report, No. _____
Pictures _____James B. Prudente
(Investigated by) James B. PrudenteAssistant District Supervisor
(Title)

ENDORSEMENT

TO: Regional Manager

FROM: Division Supervisor

We have taken the following actions within the Region to resolve this problem:

See attached memo.David W. Lippington
(E. Q. Supervisor)[Signature]
(District Supervisor)[Signature]
(District Engineer)

TO: Enforcement Officer/Assistant Director

FROM: Regional Manager

Recommend enforcement action be taken as proposed.

John L. Amadio
(Regional Manager)8/5/83
(Date)

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY)
ALUMINUM RECYCLING CORPORATION)
with Chapter 70.105 and 90.48 RCW)
and the Rules and Regulations of the)
Department of Ecology)

ORDER
No. DE 83-380

To: Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Chapter 173-303 WAC, entitled "Dangerous Waste Regulations," designates those solid wastes which are dangerous or extremely hazardous to the public health and environment; and provides for surveillance and monitoring of dangerous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely.

RCW 90.48.020 defines underground waters as waters of the state. RCW 90.48.080 provides that it shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the Director.

Aluminum Recycling Corporation stockpiles black dross at its Sullivan Road plant in Spokane, Washington. On February 1, 1983, the following compliance schedule was agreed upon between the Department of Ecology and Aluminum Recycling Corporation:

1. The existing stockpile would be covered with a waterproof covering by March 1, 1983.
2. Diversion ditches would be constructed around covered stockpiles to prevent runoff from standing at base of the piles.

A salt recovery process was to be operational by May 31, 1983, and all accumulated material processed by August 31, 1983. If the process was not implemented, then the accumulation was to be removed at a rate of at least equal to the rate of generation. In the event that neither of these options were accomplished by August 31, 1983, all material was to be disposed of in the Mica Sanitary Landfill.

On August 2, 1983, an inspection at the plant revealed that waterproof covering for the stockpile had been purchased but it was not in place. To date Aluminum Recycling Corporation has not made any progress in properly storing the black dross or in construction diversion ditches.

Aluminum Recycling Corporation is in violation of Chapter 173-303-660 WAC, the regulations for owners and operators of facilities that store or treat dangerous waste in piles. In addition, the potential for ground water contamination exists.

Aluminum Recycling Corporation
Order No. DE 83-380
Page two

RCW 70.105.095 reads in part: "Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time."

RCW 90.48.120 reads in part: "Whenever, in the opinion of the department, any person shall violate or is about to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail" Notice is hereby given in accordance with RCW 90.48.120, as follows:

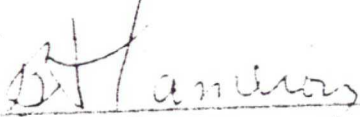
In view of the foregoing and in accordance with the provisions of RCW 70.105.095 and 90.48.120:

IT IS ORDERED THAT Aluminum Recycling Corporation shall, upon receipt of this Order, take appropriate action in accordance with the following instructions:

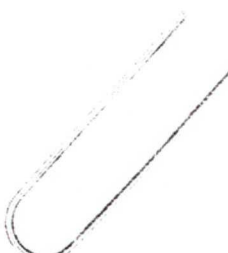
1. Commencing no later than August 31, 1983, remove to the Mica Sanitary Landfill, all black dross not suitable for recycling or that cannot be protected with a waterproof covering. This must be accomplished as rapidly as possible, but in no case in more than thirty (30) days, i.e., by September 30, 1983.
2. By October 1, 1983, all black dross stored on site must be protected with a waterproof covering and berms or ditches. All black dross generated after October 1, 1983, must be contained in this interim storage facility, subject to limitations in Item 3.
3. By November 30, 1983, submit plans and specifications for a permanent black dross storage facility to the Washington Department of Ecology (WDOE), Eastern Regional Office (ERO), for review and approval. When plans and specifications are approved, the WDOE, ERO, will develop a compliance schedule for construction of the permanent storage facility. Until the permanent storage facility is constructed, Aluminum Recycling Corporation is limited to 1,000 tons of black dross storage in the interim storage facility. All black dross generated in excess of 1,000 tons must be disposed of in the Mica Sanitary Landfill.

DATED at Olympia, Washington

AUG 15 1983



Bruce A. Cameron
Assistant Director
Department of Ecology
State of Washington



JOHN SPELLMAN
Governor



DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia Washington 98504 • (206) 459-6000

AUG 15 1983

CERTIFIED MAIL

Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Gentlemen:

Enclosed is Order No. DE 83-380. All correspondence relating to this Order should be directed to the enforcement officer. If you have any questions concerning the content of the Order, please call James B. Prudente, Spokane, telephone (509) 456-2926.

A form entitled "Acknowledgment of Service" is also enclosed. Please sign this form and return it to this office.

This order is issued under the provisions of RCW 70.105.095 and 90.48.120. Any person directly affected by a compliance order or by any decision of the department regarding a compliance order may appeal the order or decision within 30 days of receipt of this order, to the Pollution Control Hearings Board, Mail Stop PY-21, Olympia, WA 98504, with a copy to the Director, Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504, pursuant to the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Sincerely,

Cathy Betts for

Gail Keyes
Enforcement Officer

GK:av
D2/B5-8

Enclosures

of J2M

RECEIVED

AUG 17 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

*File: Aluminum Recycling
Spokane Co.*

Aluminum Recycling Corporation

FOR THE DIRECTOR - 4000 10th
SPOKANE, WASHINGTON 99201
208 325-1111
208 325-1112

August 26, 1983

RECEIVED

AUG 28 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

James L. Malm
Eastern Regional Office
103 East Indiana
Spokane, Wa. 99207

Dear Jim:

Pursuant to our conversation of 8/25/83, this letter formally requests that your office change our dangerous waste notification form to permit us to transport our black dross from our plant on Sullivan Road to Dishman-Mica landfill.

Also, we have encountered some delays in our negotiations with the County Engineers and although we are proceeding normally, we may very well need additional time to execute the letter of 12/7/82.

My guess is this delay is approximately 2 weeks.

Sincerely,


Henry T. Buescher

11-04

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

JS

August 26, 1983

RECEIVED

AUG 28 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

James L. Malm
Eastern Regional Office
103 East Indiana
Spokane, Wa. 99207

Dear Jim:

Pursuant to our conversation of 8/25/83, this letter formally requests that your office change our dangerous waste notification form to permit us to transport our black dross from our plant on Sullivan Road to Dishman-Mica landfill.

Also, we have encountered some delays in our negotiations with the County Engineers and although we are proceeding normally, we may very well need additional time to execute the letter of 12/7/82.

My guess is this delay is approximately 2 weeks.

Sincerely,

Henry T. Buescher

Henry T. Buescher

Add "Transportation" to Notification *just*

V4 data entry.

WAD98 0722979

August 29, 1983

Mr. Henry T. Buescher
Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Dear Mr. Buescher:

In response to the request you made during our August 26, 1983, meeting, I am requesting that you analyze your black dross for the following parameters:

Aluminum
Calcium
Sodium
Potassium
Chlorides
Fluorides
Carbides
Nitrides
Oxides
Percent Soluble Material
pH (1 part material:1 part water)

The analysis should indicate all major constituents present. Further testing should be conducted if constituents other than those identified above appear to be present. A material balance for the black dross should be developed, indicating within one (1%) percent all constituents present.

The purpose of this testing is to provide the Spokane County Utilities Department with enough information to properly manage the waste at the Mica Sanitary Landfill. I have developed the above list in conjunction with Damon Taam to insure the County's needs are met. I have enclosed a laboratory list for your information.

Please contact me if you have any questions on the testing.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adv

Enclosure

cc: Damon Taam, Spokane County Utilities Department
John Anicetti, Spokane County Health District

August 31, 1983

Mr. Henry T. Buescher
Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Dear Mr. Buescher:

I have forwarded to our Olympia office your request to add dangerous waste transportation activities to your dangerous waste notification.

You may operate as a transporter at this time, using your current dangerous waste identification number. This number will not change with the addition of transportation.

You must comply with WAC 173-303 regarding transportation of your wastes. I suggest that you work with Damon Team in establishing your manifest procedures. Kaiser-Trentwood has implemented an alternate manifest system for their black cross that may meet your needs. If you intend to use an alternate manifest system, our review and approval is required.

Please contact us if you have any questions on this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adv

cc: Dave Saunders, WDOE/Olympia
Damon Team, Spokane County Utilities Department
John Anicetti, Spokane County Health District

Aluminum Recycling Corporation

RECEIVED

SEP 16 1983

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

September 14, 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Mr. James L. Malm
Environmental Quality Division
Department of Ecology
E. 103 Indiana
Spokane, WA 99207

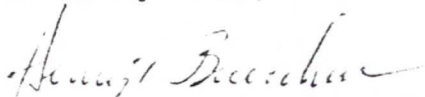
Dear Mr. Malm,

As you are aware, Aluminum Recycling Corporation has experienced some delays with making the necessary arrangements with Spokane County for the disposal of our furnace dross at Dishman Mica Landfill. Mr. Damon Tamm has mailed to us the completed agreement between ourselves and the county. As soon as this document is signed and returned to the County, I expect authority to begin hauling. This approval will probably not be available until sometime the week of September 19th.

According, I am requesting an extension from your office to allow us sufficient time to get this material hauled.

Also, I've not yet received the results of ABC Laboratories for the analysis you requested in your 29, August letter. Nor have I heard from you regarding your analysis.

Sincerely Yours,



Henry T. Buescher, Vice President
Aluminum Recycling Corporation

HTB/dmh

ABC Laboratories, Inc.

4922 East Union Ave.

Spokane, Washington 99212

(509) 534-0161

RECEIVED

SEP 21 1983

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Lab. No. 1492-83

Date Sept. 16, 1983

Sample Date: Sept. 9, 1983

Client's No.

REPORT

Report to:

Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Description:

Perform analyses as directed on
submitted gross sample.

Tests

Results, %

Calcium, Ca

.0575

Sodium, Na

14.15

Potassium, K

13.35

Aluminum, Al

21.4

Oxides, as Al_2O_3

40.4

Chloride, Cl

43.0

Fluoride, F

.13

Nitrides, as NH_3-N

1.4

pH

10.14

Soluble Material

64.6

Respectfully submitted
A. B. C. LABORATORIES, INC



W. E. Burkhardt
Manager

September 21, 1983

Mr. Henry T. Buascher
Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Dear Mr. Buascher:

I am writing in response to your September 14, 1983, letter requesting an extension of time for removal of black dross from your property.

The date we specified for removal in ORDER No. DE 83-380 was September 30, 1983. Because of delays that you have experienced in getting local approval for disposal, I am extending the removal date until November 15, 1983. This is a forty-five (45) day extension from the original date and should allow sufficient time for hauling.

It is my position that no further extensions will be considered. All other requirements and dates specified in the ORDER remain the same. Per your request, I have provided another copy of that ORDER.

I have also enclosed fish bioassay results from material we tested at your closed Hillyard facility. Those results indicate that the material we tested would not be classified as dangerous waste.

Please contact me if you have any questions on any of the above information.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adv

Enclosures

cc: Gail Keyes, WDOE/Olympia
John Anicetti, Spokane County Health District
Damon Team, Spokane County Utilities Department



ENVIRONMENTAL LABORATORY
DATA SUMMARY
METALS

PAGE _____ OF _____

ORIGINAL TO: LAB FILES

COPIES TO:

M. McCann

SOURCE SULLIVAN ROAD, SPOKANE, WA
ALUMINUM RECYCLING CORP

PROGRAM NUMBER _____

DATE COLLECTED 8/26/83 RECEIVED 9/14/83 COLLECTED BY J. MALM

Sample (Log) Number	Units	Standard Deviation ± %	134	134	4398	4399			
Station:			398	399	Fresh Black Dross #1 Grab	Aged Black Dross #2 Grab			
Hg-EP TOX	mg/L	10	0.01	0.01					
Ba-EP TOX	"	"	3.3	0.75					
Fe									
Ni									
Cr-EP TOX	"	"	<0.02	<0.02					
Cd-EP TOX	"	"	0.04	0.05					
Pb-EP TOX	"	"	0.26	0.26					
Hg-EP TOX	μg/L	10	<2	1.1					
As-EP TOX	μg/L	"	106	136					
Se-EP TOX	μg/L	"	434	158					

NOTE: Dissolved Metals: Those that will pass through a 0.45 μ membrane filter
Suspended Metals: Those retained by a 0.45 μ membrane filter
Total Metals: Those found in the unfiltered, rigorously acid digested sample
mg/L = ppm = μg/ml
μg/L = ppb = ng/ml

mg/kg = ppm - μg/gm
μg/kg = ppb = ng/gm

"<" is "less than" and ">" is "greater"

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

October 10, 1983

Mr. James Malm
Dept. of Ecology
E. 103 Indiana
Spokane, WA 99207

Dear Mr. Malm,

This letter is to advise you that we will begin the transportation of the black dross to the Dishman-Mica sanitary landfill on, October 11, 1983. It is our intent to use the same manifesting system devised and used by Kaiser's Trentwood facility.

Very Truly Yours,

Henry T. Buescher
Henry T. Buescher
Vice President

HTB/dmh

IN SPELLMAN
Governor



DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504 • (206) 753-2353

MEMORANDUM
November 2, 1983

To: Jim Malm, Eastern Regional Office
Through: ~~HT~~ Jerry Freeman, Laboratory Section Head
From: ~~SV~~ Don Kjosness, Aquatic Biologist, Olympia Environmental Laboratory
Subject: 96-Hour Bioassay Information. Sample from Aluminum Recycling Corp. - Spokane

Sample Identification:

Laboratory Reference Number: 134398
Date Sample Collected: August 26, 1983
Date Sample Received: August 30, 1983
Sample Submitted by: Jim Malm
Sample Description: "Fresh Black Dross." A grey-black, rock-like material.

Test Procedure:

The sample was tested for toxic properties in accordance with the Department of Ecology "General Procedure for Static Basic Acute Fish Toxicity Test".

Test Results:

The test data are tabulated in detail on the following pages.

Test Details:

The sample was tested at 100 and 1000 ppm (mg/L) by weight in water.

The test organisms were Coho salmon (*Oncorhynchus kisutch*). The organism length ranged from 55 to 69 mm, giving a short-to-long ratio of 1:1.3. The average length was 58 mm. The average weight was 2.41 grams.

Six salmon were added to 18 liters of sample/water mixture in each aquarium. This gave a flesh-to-mixture ratio of 0.8 grams/liter.

The test was started on October 24, 1983 at 1530 hours and completed on October 28, 1983 at 1530 hours.

Conclusions:

100 ppm (mg/L) - 2/30 fish died = 7% mortality.
1000 ppm (mg/L) - 30/30 fish died = 100% mortality.
Control - 0/30 fish died = 0% mortality.

DK:cp

Attachments



DATA SHEET FOR STATIC BASIC ACUTE FISH TOXICITY TEST*

Laboratory OLYMPIA ENVIRONMENTAL LAB
Analyst DON KRESNESS

Industry/Toxicant ALUMINUM RECYCLING CORP.
Address SPOKANE
Collector JIM MALM
Date Sample Collected 8-26-83

Beginning: Date 10-24-83 Time 1530
Ending: Date 10-28-83 Time 1530
Test Organism Coho SALMON (ONCORHYNCHUS KISUTCH)
Required Test Temperature Range 12° ± 1°C

Date Sample Collected																												
Laboratory Reference Number	Test Con- tainer No.	Conc. (mg/l)	Number of Cumulative Deaths					Dissolved Oxygen (mg/l)					pH 25 C					Temperature (C)					Total Hardness (mg/l as CaCO ₃)		Total Alkalinity (mg/l as CaCO ₃)		Conductivity uMHOS/cm	
			0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	96	0	96	0	96
134398	1	1000	0	6	-	-	-	9.6	9.1	-	-	-	7.0	7.5	-	-	-	11.6	11.6	-	-	-	46	54	42	47	255	1140
FRESH BLACK DROSS	2	1000	0	6	-	-	-	9.4	9.4	-	-	-	7.0	7.5	-	-	-	11.6	11.6	-	-	-	46	50	41	46	4	1110
	3	1000	0	6	-	-	-	9.8	9.3	-	-	-	7.0	7.5	-	-	-	11.6	11.6	-	-	-	42	50	42	46	548	1110
	4	1000	0	6	-	-	-	9.5	9.2	-	-	-	7.0	7.5	-	-	-	11.6	11.6	-	-	-	42	50	42	47	675	1120
	5	1000	0	6	-	-	-	9.7	9.3	-	-	-	7.0	7.5	-	-	-	11.6	11.8	-	-	-	46	50	41	48	738	1120
CENTRAL	21	TAP H ₂ O	0	0	0	0	0	9.9	8.4	7.8	7.2	6.6	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.6	42	42	41	48	110	116
	22	TAP H ₂ O	0	0	0	0	0	10.2	8.8	8.2	7.5	6.9	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.6	42	42	40	48	108	114
	23	TAP H ₂ O	0	0	0	0	0	10.3	9.4	8.7	7.1	6.7	7.5	7.4	7.4	7.2	7.2	11.6	11.8	11.6	11.6	11.6	42	42	41	46	109	116
	24	TAP H ₂ O	0	0	0	0	0	10.1	8.9	8.3	7.6	7.0	7.5	7.4	7.4	7.2	7.2	11.6	11.8	11.6	11.6	11.6	42	38	41	46	109	115
	25	TAP H ₂ O	0	0	0	0	0	10.2	8.7	8.1	7.5	6.8	7.5	7.4	7.4	7.2	7.2	11.6	11.8	11.8	11.6	11.6	38	38	40	48	110	115
134398	1A	100	0	0	0	0	1	9.7	8.0	7.4	6.7	6.0	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.2	42	42	40	50	137	150
FRESH BLACK DROSS	2A	100	0	0	0	0	0	9.4	8.0	8.0	7.3	6.7	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.2	42	38	40	50	133	172
	3A	100	0	0	0	0	0	9.6	9.4	8.8	8.2	7.3	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.4	42	38	40	50	130	170
	4A	100	0	0	0	0	0	9.5	8.8	8.2	7.5	6.8	7.5	7.4	7.4	7.2	7.2	11.6	11.6	11.6	11.6	11.4	42	46	40	44	124	235
	5A	100	0	0	1	1	1	9.8	8.6	7.9	7.2	6.5	7.5	7.4	7.4	7.2	7.2	11.6	11.8	11.8	11.6	11.6	42	42	40	44	137	231

Sample Description A GRAY-BLACK, ROCK-LIKE MATERIAL
Average Weight 2.41 Mean Length 58 Longest 69 Shortest 55 Ratio (long/short) 1.3:1
Number of organisms per chamber 6 Ratio of flesh to water 0.8 Comments 18 L / TANK

* Method on file with the Department of Ecology:

GENERAL PROCEDURE FOR STATIC BASIC ACUTE FISH TOXICITY TEST

DATA VERIFIED BY

EHW > 10/30

DW > 11/30

DATE

11-5-83



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504 • (206) 753-2353

M E M O R A N D U M

November 2, 1983

To: Jim Malm, Eastern Regional Office
Through: Jerry Freeman, Laboratory Section Head
From: ~~Don~~ Don Kjosness, Aquatic Biologist, Olympia Environmental Laboratory
Subject: 96-Hour Bioassay Information. Sample from Aluminum Recycling Corp. - Spokane

Sample Identification:

Laboratory Reference Number: 134399
Date Sample Collected: August 26, 1983
Date Sample Received: August 30, 1983
Sample Submitted by: Jim Malm
Sample Description: "Age Black Dross #2." A grey-black, rock-like material.

Test Procedure:

The sample was tested for toxic properties in accordance with the Department of Ecology "General Procedure for Static Basic Acute Fish Toxicity Test".

Test Results:

The test data are tabulated in detail on the following pages.

Test Details:

The sample was tested at 1000 ppm (mg/L) by weight in water.

The test organisms were Coho salmon (*Oncorhynchus kisutch*). The organism length ranged from 51 to 64 mm, giving a short-to-long ratio of 1:1.3. The average length was 58 mm. The average weight was 2.34 grams.

Six salmon were added to 18 liters of sample/water mixture in each aquarium. This gave a flesh-to-mixture ratio of 0.8 grams/liter.

The test was started on October 6, 1983 at 1500 hours and completed on October 10, 1983 at 1500 hours.

Conclusions:

1000 ppm (mg/L) - 0/6 fish died = 0% mortality.
Control - 0/6 fish died = 0% mortality.

DK:cp

Attachments

Laboratory OLYMPIA ENVIRONMENTAL
Analyst Paul K. HARRIS

Analyst Paul K. Jensen

Time 1500 _____

TIME 1500

Ending: Date 10-10-83 Time 1500
Test Organism RAINBOW TROUT (Salmo gairdneri)

Required Test Temperature Range 12° ± 1° C.

Industry/Toxicant ALUMINUM RECYCLING CORP.
Address SPOKANE
Collector Jim Malm
Date Sample Collected 8-26-83

Sample Description					
Average Weight	2.34	Mean Length	5.8	Longest	6.4
				Shortest	5.1
				Ratio (long/short)	1.3:1
Number of organisms per chamber	6	Ratio of flesh to water	0.8	Comments	18L 1 TANK

Method on file with the Department of Ecology:

GENERAL PROCEDURE FOR STATIC BASIC ACUTE FISH TOXICITY TEST

KCY 029-1-60

DATA VERIFIED BY

EHW > 10/30

DATE 113493

N. SPELLMAN
Governor



DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504 • (206) 753-2353

M E M O R A N D U M

November 2, 1983

To: Jim Malm, Eastern Regional Office
Through: ~~AT~~ Jerry Freeman, Laboratory Section Head
From: ~~DK~~ Don Kjosness, Aquatic Biologist, Olympia Environmental Laboratory
Subject: 96-Hour Bioassay Information. Sample from Aluminum Recycling Corp. - Spokane

Sample Identification:

Laboratory Reference Number: 134398
Date Sample Collected: August 26, 1983
Date Sample Received: August 30, 1983
Sample Submitted by: Jim Malm
Sample Description: "Fresh Black Dross." A grey-black, rock-like material.

Test Procedure:

The sample was tested for toxic properties in accordance with the Department of Ecology "General Procedure for Static Basic Acute Fish Toxicity Test".

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The test was started on October 6, 1983 at 1500 hours and completed on October 10, 1983 at 1500 hours.

Conclusions:

1000 ppm (mg/L) - 6/6 fish died = 100% mortality.
Control - 0/6 fish died = 0% mortality.

DK:cp

Attachments



DATA SHEET FOR STATIC BASIC ACUTE FISH TOXICITY TEST*

Laboratory OLYMPIA ENVIRONMENTALAnalyst Don KRUSETime 1500Beginning: Date 10-6-83Ending: Date 10-10-83Test Organism RAINBOW TROUT (Salmo gairdneri)Required Test Temperature Range 12° ± 1° CIndustry/Toxicant ALUMINUM RECYCLING CORP.Address SPOKANECollector Jim MalmDate Sample Collected 8-26-83

Laboratory Reference Number	Test Con- tainer No.	Conc. (mg/l)	Number of Cumulative Deaths					Dissolved Oxygen (mg/l)					pH 25 C					Temperature (C)					Total Hardness (mg/l)		Total Alkalinity (mg/l)		Conductiv. µMHOS/cm	
			0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	96	0	96	0	96
134388	16	1000	0	6	-	-	-	9.6	8.9	8.1	7.3	6.7	8.0	9.1	9.3	9.5	9.4	12.4	12.2	12.2	12.4	12.4	50	58	48	50	170	135
#1 PROSS FRESH BULK																												
134388	17	1000	0	0	0	0	0	9.8	9.1	8.3	7.5	6.7	7.8	8.6	8.8	8.6	8.4	12.4	12.2	12.2	12.4	12.4	54	54	47	51	128	135
134388	18	1000	0	0	0	0	0	9.8	9.1	8.3	7.5	6.7	7.8	8.6	8.8	8.6	8.4	12.4	12.2	12.2	12.4	12.4	54	54	47	51	128	135
CONTROL	21	TOP 1/20	0	0	0	0	0	9.7	9.0	8.2	7.3	6.9	7.4	7.4	7.4	7.2	7.2	12.8	12.6	12.6	12.8	12.8	50	46	45	47	124	130

Sample Description _____

Average Weight 2.34 Mean Length 58 Longest 64 Shortest 51 Ratio (long/short) 1.3:1

Number of organisms per chamber 6 Ratio of flesh to water 0.8 Comments 18L / TANK

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

Handwritten signature
RECEIVED

November 3, 1983

Mr. James Malm
Dept. of Ecology
E. 103 Indiana
Spokane, WA 99207

Dear Mr. Malm,

Per your request, we are enclosing a copy of our weekly manifest/shipping log which details the loads of black cross hauled by us to Dishman Mica. Also we are enclosing a copy of the permanent manifest.

As I mentioned to you in our phone conversation yesterday, we have experienced some difficulties at the dumping site due to this rainy weather and have had to reduce our loads per day because of these difficulties. When the ground up there is wet our tractor-trailer is being pushed in and out of the dump area by the contractor's Cat which is delaying our in transit time. Also our operator has raised some questions relative to the safety of dumping operations with the area up there so wet and slippery. I've since talked with George Julian regarding his hauling of the material for us and he should get back to me in the next day or so. If we contract with him for the haul, it is likely he'll have to get a transporters' I.D. number from your office. Or perhaps we could lease his truck/driver and still use our I.D. number. Please advise your best judgment on this matter.

Also, we talked yesterday briefly about our current cash flow problem with the Internal Revenue Service making demand for payment on our taxes. Their demand is so critical that we may have to back off our hauling commitment to you so that the monies will go to them first. They are the creditor with the clout. Please think about there being a further extension for your mandate.

Sincerely,

Handwritten signature: Henry T. Buescher

Henry T. Buescher
Vice President

HTB/dmh

2317 N. SULLIVAN — P.O. BOX 8031
SPOKANE, WASHINGTON 83207
(509) 489-3000
(509) 824-8568

TO WHOM IT MAY CONCERN

THIS TRUCK MAY CONTAIN A LOAD OF MATERIAL WHICH HAS BEEN CLASSIFIED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AS A DANGEROUS WASTE. IT IS BEING TRANSPORTED TO THE DISMAN-MICA SANITARY LANDFILL BY THE AUTHORITY AND WITH THE APPROVAL OF THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND THE COUNTY OF SPOKANE.

DO NOT CONFUSE "DANGEROUS" WITH "HAZARDOUS". DANGEROUS WASTE DOES NOT CARRY AS HIGH A LEVEL OF RISK AS HAZARDOUS WASTE. PERSONS EXPOSED TO THIS MATERIAL ARE NOT IN DANGER.

HOWEVER, IN THE EVENT OF AN ACCIDENT CALL ANY PERSON ON THIS LIST FOR FURTHER INFORMATION.

HENRY T. BUESCHER, VICE PRESIDENT OF ALUMINUM RECYCLING CORPORATION
926-1506 WORK
(b) (6) HOME

DALE CHASSE, PLANT MANAGER OF ALUMINUM RECYCLING CORPORATION
924-6566 WORK
(b) (6) HOME

WASHINGTON STATE DEPARTMENT OF ECOLOGY - 456-2926

February 21, 1984

Mr. Henry T. Buescher
Aluminum Recycling Corporation
P. O. Box 370
Veradale, WA 99037

Dear Mr. Buescher:

The department has reviewed the ORDER, Docket No. DE 83-380, issued to you on August 15, 1983.

It is the determination of the department that Aluminum Recycling Corporation failed to comply with the conditions of that ORDER. Specifically:

1. Only a very small portion of the accumulated black dross has been removed. Recent waste pile accumulation is judged to far exceed any volume of material removed.
2. No covering or berming of the waste pile has been accomplished.
3. No Plans and Specifications have been submitted to the Washington Department of Ecology, Eastern Regional Office, for a permanent black dross storage facility.

It is the department's further determination that we have given you ample opportunity to resolve the black dross storage problem. Therefore, the department is requesting that Aluminum Recycling Corporation take all immediate actions necessary to comply with ORDER No. DE 83-380.

Concurrently, our office is also requesting, through the department's Enforcement Office, that the Attorney General initiate action to enforce the above ORDER.

Please contact me if you have any questions regarding this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adv

CERTIFIED MAIL

cc: Gail Keyes, WDOE/Olympia

MEMORANDUM

CHECK
INFORMATION _____
FOR ACTION _____
PERMIT _____
OTHER _____

TO Gail Reyes
FROM Jir Lalm
SUBJECT CIDWA Docket No. 1E 83-380,
Aluminum Recycling Corporation
DATE February 24, 1984

State of
Washington
Department
of Ecology



I am writing to document our telephone conversation of February 22, regarding enforcement of the above CIDE.

As we discussed, you will, as a result of my February 21, 1984, letter to the company (in which you were advised formally request our Attorney General Division to enforce the CIDE).

JLM:adv

JOHN SPILMAN
Governor



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia Washington 98504 • (206) 359-6000

jam

DONALD W. MCKE
Director

RECEIVED

MAR 3 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

March 2, 1984

Memo to: Dennis L. Lundblad
Acting Assistant Director

(Concur) (Nonconcur)
(Check One)

P.L.
(Initials)

Charles B. Roe, Jr.
Senior Assistant Attorney General

From: Gail Keyes
Enforcement Officer

Subject: Aluminum Recycling Corporation, Order No. DE 83-380

It is recommended that the Attorney General take appropriate action to enforce the provisions of the attached documents.

We have taken the following administrative action to date in the processing of this case and have been unable to gain compliance:

Order No. DE 83-380 was issued to Aluminum Recycling on August 15, 1983. To date the company has failed to comply with the provisions of the Order.

GK:jv

Attachment

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

RECEIVED

MAR 13 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

March 7, 1984

The State of Washington
Department of Ecology
E. 103 Indiana
Spokane, WA 99207

ATTN: James L. Malm
Environmental Quality Division

Dear Mr. Malm,

During the period 02/29/84 thru 03/06/84, Aluminum Recycling Corporation has hauled 336 cubic yards of black dross to the Dishman-Mica Landfill. During this period of time our operation has generated 72 cubic yards of this dross material for a net reduction of 264 cubic yards. Hauling is continuing this date.

After our discussion last week on the subject of the nearness of the river and the water table, I have started to move the material that is nearest to these areas, and will continue to haul to the dump from this side of the pile first.

I will keep you appraised of our progress and plans as they develop.

Yours Truly,

Gerald E. Black, dh

Gerald E. Black
Vice President

GEB/dmh



OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

MAR 17 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Inter-office Correspondence

Date: March 9, 1984

To: Denny Lundblad

From: Charlie Roe *CB-RS*

File: Aluminum Recycling

Subject: Aluminum Recycling Corporation, Order No. DE 83-380

In response to Gail Keyes' memorandum of March 2, 1984 regarding the above subject, this is to advise that Leslie Nellermeoe and Charlie Douthwaite will be handling the matter on behalf of the Department of Ecology.

Order No. DE 83-380 required that appropriate action be taken to resolve a stockpile black dross storage problem at the Aluminum Recycling Corporation, located in Spokane.

CBR:pk

cc: Leslie Nellermeoe
Charlie Douthwaite
~~Gail Keyes~~

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

J gm

RECEIVED

APR 1 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

April 2, 1984

The State of Washington
Department of Ecology
E. 103 Inaiana
Spokane, WA 99207

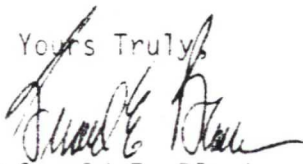
ATTN: James L. Malm
Environmental Quality Division

Dear Mr. Malm,

During the period 03/07/84 thru 04/02/84, Aluminum Recycling Corporation hauled 252 cubic yards of black dross to the Dishman-Mica Landfill. During this period of time our operation has generated 156 cubic yards of this dross material for a net reduction of 96 cubic yards. Hauling is to continue at the rate of 108 cubic yards a week, weather permitting.

We are currently investigating a method of reclaiming the aluminum from this dross and will discuss our process with your department prior to any change in our method of handling this material.

Yours Truly,



Gerald E. Black
Vice President

GEB/dmh



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Clearwater Lane, NE-11 • Olympia, Washington 98501 • (206) 253-2454

MEMORANDUM
May 10, 1984

To: Jim Malm, Eastern Regional Office
Through: *GF* Perry Freeman, Laboratory Section Head
From: *SK* Don Kjosness, Aquatic Biologist, Olympia Environmental Laboratory
Subject: 96-hour Bioassay Information. Sample from Aluminum Recycling Corp. - Spokane

Sample Identification

Laboratory Reference Number: 141842
Date Sample Collected: April 26, 1984
Date Sample Received: May 1, 1984
Sample Submitted by: Jim Malm
Sample Description: "Baghouse dust." A grey, powder-like material.

Test Procedure

The sample was tested for toxic properties in accordance with the Department of Ecology "General Procedure for Static Basic Acute Fish Toxicity Test."

Test Results

The test data are tabulated in detail on the following pages.

Test Details

The sample was tested at 100 and 1000 ppm (mg/L) by weight in water.

The test organisms were rainbow trout (*Salmo gairdneri*). The organism length ranged from 26 to 36 mm, giving a short-to-long ratio of 1:1.4. The average length was 32 mm. The average weight was 0.68 grams.

Fifteen trout were added to 15 liters of sample/water mixture in each aquarium. This gave a flesh-to-mixture ratio of 0.7 grams/liter.

The test was started on April 30, 1984 at 1400 hours and completed on May 4, 1984 at 1400 hours.

Conclusions

100 ppm (mg/L) - 0/15 fish died = 0% mortality.
1000 ppm (mg/L) - 15/15 fish died = 100% mortality
Control - 0/15 fish died = 0% mortality.

DK:cp

Attachments



DATA SHEET FOR STATIC BASIC ACUTE FISH TOXICITY TEST*

Laboratory Olympia Environmental
Analyst Dea Kevan

Industry/Toxicant ALUMINUM RECYCLING
Address SPokane
Collector Jim MALM
Date Sample Collected 4-25-84

Beginning Date 4-30-84 Time 1400
Ending Date 5-4-84 Time 1400
Test Organism RAINBOW TROUT (Salmo gairdneri)
Required Test Temperature Range 12° ± 1°C

Laboratory Reference Number	Test Container No.	Conc. (mg/l)	Number of Cumulative Deaths					Dissolved Oxygen (mg/l)					pH 25°C					Temperature (C)					Total Hardness (mg/l CaCO ₃)		Total Alkalinity (mg/l CaCO ₃)		Conductivity (µMOS/cm)	
			0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	96	0	96	0	96
141842	23	100	0	0	0	0	0	9.8	9.1	8.2	7.9	7.7	7.6	7.5	7.4	7.4	7.4	11.4	11.6	11.8	11.8	11.8	52	56	46	46	117	21
HAZARDOUS DUST	24	1000	0	6	15	-	-	9.7	8.6	7.4	-	-	7.6	7.6	7.5	-	-	11.4	11.6	11.8	-	-	52	52	46	46	117	26
CONTROL	21	Tap H ₂ O	0	0	0	0	0	9.9	9.0	8.0	8.2	8.0	7.6	7.6	7.6	7.6	7.6	11.4	11.6	11.6	11.8	11.6	50	56	48	50	117	11
	22	Tap H ₂ O	0	0	0	0	0	10.2	9.4	8.4	8.3	8.2	7.6	7.6	7.6	7.6	7.6	11.4	11.6	11.6	11.8	11.6	52	60	47	48	117	12

Sample Description A GRAY, POWDER-LIKE MATERIAL
Average Weight 0.88 Mean Length 32 Longest 36 Shortest 26 Ratio (long/short) 1.4:1
Number of organisms per chamber 15 Ratio of flesh to water 0.7 Comments 15 L / TANK

* Method on file with the Department of Ecology:

GENERAL PROCEDURE FOR STATIC BASIC ACUTE FISH TOXICITY TEST

DATA VERIFIED BY

G. Freeman

DATE

5-15-84

EHW > 10/30

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

RECEIVED

MAY 19 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

May 18, 1984

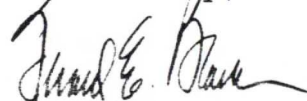
State of Washington
Department of Ecology
E. 103 Indiana
Spokane, WA 99207

ATTN: James L. Malm
Environmental Quality Division

Dear Mr. Malm,

During the period 04/03/84 thru 05/17/84, Aluminum Recycling Corporation hauled 324 cubic yards of black dross to the Dishman-Mica Landfill. During this same period of time our operation has generated 270 cubic yards of this dross material for a net reduction of 54 cubic yards. We are continuing to haul at this rate, weather permitting.

Yours Truly,



Gerald E. Black
Vice President

GEB/dmh

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

May 31, 1984

Department of Ecology
Mr. James Malm
E. 103 Indiana
Spokane, WA 99207

Dear Mr. Malm,

Thank you for your visit to our facility last Wednesday. I was somewhat surprised to hear that the Washington State Legislature passed a law saying it is illegal to have a dangerous waste dump in this state. Per our conversation you thought it would become effective June 7, 1984.

If the landfill decides that they will only become a storage site, it would appear that our vulnerability would be such that at some future point some "New" Government would change the law again. I suppose we could store there for several years and then have to haul it to somewhere else. Assuming that we can continue to haul to Dishman-Mica Land Fill, our past performance has been:

Since February 29, 1984, we have hauled 912 tons of black dross to the landfill and generated 498 tons of new for a net reduction of 414 tons on site through May 18, 1984.

We are continuing to haul at least 90 tons/week, our forecast is:

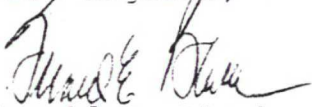
Assuming we have 5000 tons on site (this is a semi-educated guess) and assuming we continue to reduce inventory at our present rate, I estimate it would take 955 days or 32 months to have all the material removed.

Our best solution is to install a salt saver here in Spokane, such as Maralco has done in Kent. We would then be able to totally recycle the salt. There is no unusable by-product from this system. Maralco is having an informational brochure printed up and will send copies to me in about three weeks.

This system is fairly capital intensive but would solve Kaiser - Trentwood, Aluminum Recycling, and the landfill problem. It might just be a natural user of heat from the proposed co-generation plant to be installed here in the valley.

Again Thank you for your visit and for bringing me up to speed on Aluminum Recycling Corporation's obligations and responsibilities in regards to our black dross. We will continue to remove more black dross than we generate as long as the Dishman-Mica Landfill will accept it and we will work toward the best final solution for everyone concerned.

Best Regards,


Gerald E. Black
Vice President

CC: Jack Lyon, Maralco
Kent, Washington

GEB/dmh

Aluminum Recycling Corporation

2317 N. SULLIVAN — P.O. BOX 6051
SPOKANE, WASHINGTON 99207
(509) 489-3900
(509) 924-6566

RECEIVED

JUN - 8 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

June 6, 1984

Department of Ecology
Mr. James Malm
E. 102 Indiana
Spokane, WA 99207

Dear Mr. Malm,

During our meeting on Friday, 1 June, 1984 with Leslie Nellermeoe, we discussed your order No. DE 83-380 and the fact that this order was not carried out. As you know, I purchased this business in January of 1984 and didn't know of this order until you showed it to me Friday.

The new substitute House Bill No. 1438 which comes into effect 7 June, 1984 making it illegal to have a dangerous waste site in Washington State, makes it impossible to comply with the above DOE order within any time frame.

We will file for an exception to this ruling per the petitioning process set forth in WAC 173-303-910 and if successful in being granted an exception, I would propose the following:

1. Continue to haul to the Dishman-Mica landfill all black dross not suitable for recycling or that cannot be protected with a waterproof covering. This haulage to be at a greater rate than generated to assure a net reduction at the Sullivan site.
2. By October 1, 1984 all black dross stored on site must be protected with a waterproof covering. All black dross generated in this interim storage facility or hauled to the Dishman-Mica landfill until such time as a salt saver (salt recycling system) is installed and operational.
3. By November 30, 1984 submit plans, specification and a proposed time frame for the salt saver system.

June 6, 1984

Page 2

I would hope for a timely ruling on our petition since we have done so well on removing black dross from our Sullivan site. I wouldn't want to backslide any and lose ground. If we don't get an exception to the House Bill, we would have to dispose of the black dross at Arlington, Oregon. This would be beyond our financial capability and would put us out of business.

Best regards,


Gerald E. Black
Vice President

cc: Jack Lyon
Maralco
Kent, WA

GEB/cb



OFFICE OF THE ATTORNEY GENERAL
Ken Eikenberry, Attorney General
Temple of Justice, Olympia, Washington 98504

June 8, 1984

RECEIVED

OCT 15 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Mr. Gerald E. Black
Vice President
Aluminum Recycling Corporation
N. 2317 Sullivan Rd.
P.O. Box 370
Veradale, WA 99037

Re: Department of Ecology Order No. DE 83-380

Dear Mr. Black:

This letter will confirm the agreement we reached in our meeting with Jim Malm on June 1, 1984 in the Spokane office of the Department of Ecology (DOE). The purpose of the meeting was to discuss your company's compliance with Order No. DE 83-380. As you recall, the focus of that order is a large pile of black dross on the company's property.

After discussion, we agreed upon the following course of action:

1. You and Jim will negotiate a schedule for covering and containing the stockpile;
2. You will provide a schedule for installation of a "salt saver" at the plant;
3. Following your meeting with Jim Knudson regarding the exemption procedure, Aluminum Recycling Corp. will request DOE to exempt the black dross from regulation as a dangerous waste;
4. Disposal of the black dross by burial at the Mica landfill will continue at the present rate or faster until June 7, 1983, the effective date of HB 1438; and
5. DOE will issue an amended order incorporating new deadlines for accomplishing these tasks.

Finally, one of the factors we considered in our meeting was the possibility that Spokane County will be applying for a change in its dangerous waste permit for operation of the Mica landfill. The change would expand the permit from disposal to disposal and storage. If that change is accomplished, black dross can then be stored at the landfill. If the waste is exempted from the regulatory process, the permit status of the landfill will be irrelevant.

June 8, 1984
Page 2

OFFICE OF THE ATTORNEY GENERAL

Please let me know if your understanding differs. I enjoyed our meeting and thought it was very productive.

Very truly yours,

Leslie Nellermoe sk.

Leslie Nellermoe
Assistant Attorney General
(206) 459-6156



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6000

June 15, 1984

Mr. Jerry Black
Aluminum Recycling Corporation
2317 N. Sullivan Road
Spokane, Washington 99037

Dear Mr. Black:

This letter is in regards to your aluminum dross wastes which are being sent to the Spokane County Mica disposal site. That facility has been authorized under an interim status permit to accept this waste for disposal until June 7, 1984, the effective date of Substitute House Bill Number 1438. Spokane County has recently applied for and will receive authorization to store this waste in waste piles under interim status permit rules of WAC 173-303. HB 1438 prohibits the disposal of dangerous waste at any commercial off-site land disposal facility prior to July 1, 1986. The ban is to be put into effect "independent of the processing or issuance of any or all federal, state and local permits for disposal of dangerous waste..." The law was written to prevent the establishment of any commercial off-site disposal sites until waste-by-waste disposal is authorized under alternative waste management studies which the department is now pursuing. Unfortunately, the interim status Mica disposal site has been caught by this ban, necessitating a change in the interim status permit. The department believes it has no other alternative and must enforce the ban. The department can foresee only two circumstances under which disposal could be resumed at the Mica site:

- a) You are successful in having your waste exempted under WAC 173-303-910(3). I understand that you are pursuing these avenues and will shortly submit this application; or
- b) The alternative waste management studies mentioned above will allow disposal of this type of waste. I understand that inorganic wastes of this nature are among the first wastes that the department is studying, and should have recommendations by December of this year.

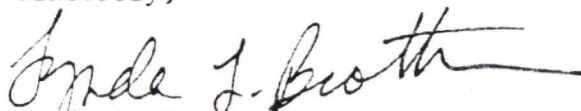
In light of these facts, you as a generator must evaluate the risks and alternatives to continuing to send your wastes to the Mica disposal site, including:

- 1) Storage of waste at your generating facility. This would require a final storage permit under our rules; or

- 2) Reuse or recycling of the dross to avoid disposal or storage. This may require a permit from the department depending upon the process you choose; or
- 3) Disposal of the dross at a permitted hazardous waste facility, in Idaho, Oregon or elsewhere; no State of Washington permits would be required for the alternative.

I hope this letter has helped to spell out the status of your waste dross and the options available to you.

Sincerely,


Lynda L. Brothers
Assistant Director
Office of Hazardous Substances
and Air Quality Control

LLB:lm
061102R

cc: Damon Taam, Spokane County
John Arnquist, ERO

COPY

September 26, 1984

Mr. Jack Lyon
Maralco Aluminum Smelters
7730 South 202nd Street
Kent, WA 98301

Dear Mr. Lyon:

Please find enclosed the correspondence you requested from our file on Aluminum Recycling Corporation (ARC). As you can see, no effective action has been taken to comply with ORDER No. DE 83-380.

I am requesting that you, as president of ARC, take action to comply with the requirements of the above ORDER. Your written response regarding your intentions on this matter is requested by October 5, 1984.

Please contact me if you have questions on this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adw

Enclosures:

1. ARC letter, July 10, 1984, transmitting Part A, Forms 4 and 5.
2. Washington Department of Ecology (WDOE) letter, June 15, 1984, re: SHB 1438.
3. ARC letter, June 6, 1984, re: June 1, 1984, meeting and SHB 1438.
4. ARC letter, May 31, 1984, re: SHB 1438.
5. ARC letter, May 18, 1984, re: dross disposal.
6. WDOE memo, May 10, 1984, re: bioassay results - Lab #141482.
7. ARC letter, April 2, 1984, re: dross disposal.
8. Attorney General memo, March 9, 1984, re: assignment of Nellermeoe and Douthwaite.
9. ARC letter, March 7, 1984, re: dross disposal.
10. WDOE memo, March 2, 1984, re: referral to Attorney General.
11. WDOE letter, February 21, 1984, re: Notice of Failure to Comply.
12. ARC letter, November 3, 1983, re: manifest and transportation.
13. WDOE memo, November 2, 1983, re: bioassay results - Lab #134399.
14. WDOE memo, November 2, 1983, re: bioassay results - Lab #134398.
15. ARC letter, October 10, 1983, re: dross disposal.
16. WDOE Lab Data Summary, September 28, 1983, re: EP Toxicity metals.

Page 2

September 26, 1984

Mr. Jack Lyon
Maralco Aluminum Smelters

Enclosures: (continued)

17. WDOE letter, September 21, 1983, re: extension of date on ORDER No. DE 83-380.
18. ABC Laboratory letter, September 16, 1983, re: gross sample results.
19. ARC letter, September 14, 1983, re: request for extension, ORDER No. DE 83-380.
20. WDOE letter, August 31, 1983, re: addition of transportation to Dangerous Waste Notification.
21. WDOE letter, August 29, 1983, re: request for analysis.
22. ARC letter, August 26, 1983, re: request to add transportation to Dangerous Waste Notification.
23. WDOE letter and ORDER No. DE 83-380, August 15, 1983.
24. WDOE letter, February 28, 1983, re: waste designation and storage.
25. ARC letter, February 10, 1983, re: response to WDOE letter dated February 4, 1983.
26. WDOE letter, February 4, 1983, re: documentation of February 1, 1983, meeting.
27. WDOE letter, January 20, 1983, re: Assignment of Dangerous Waste ID number.
28. ARC "Notification of Dangerous Waste Activities", December 13, 1982.
29. WDOE letter, December 7, 1982, re: recycling black dross.
30. ARC letter, November 30, 1982, re: recycling black dross.

CERTIFIED MAIL

cc: Leslie Nellermoe, WDOE/Olympia

MEMORANDUM

CHECK
INFORMATION _____
FOR ACTION _____
PERMIT _____
OTHER _____

TO Leslie Nellermoe
FROM Jim Malm
SUBJECT Aluminum Recycling Corporation (ARC)
DATE September 26, 1984

State of
Washington
Department
of Ecology



Earlier this week, I contacted Jack Lyon of Maralco Aluminum Smelters by telephone regarding the status of ARC. Mr. Lyon informed me that ARC was not out of business, but just shut down. Mr. Lyon is apparently the president of ARC, as well as Maralco. According to Mr. Lyon, there is no corporate connection between the two companies.

During our conversation, Mr. Lyon requested that I provide him with correspondence from our files regarding ARC. I reviewed the file and sent him what I considered appropriate correspondence. Thirty (30) documents were provided. In my letter of transmittal, I requested that he inform me of the course of action he intends to pursue regarding ARC. A response date of October 5, 1984, was requested. A copy of the letter and list of enclosures was sent to you separately.

In reviewing the file, and in light of the current situation, I have come to the conclusion that reissuing the ORDER is not appropriate. I feel we should pursue enforcement of the outstanding ORDER to insure that the cross storage problem is solved before ARC resumes operation.

Please inform me what you feel our position on this matter should be.

JLM:adw

SPELLMAN
error



DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504 • (206) 753-2353

MEMORANDUM
October 9, 1984

RECEIVED

OCT 22 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

To: Greg Gregory, Northwest Regional Office
Through: *87* Jerry Freeman, Laboratory Section Head
From: *DL* Don Kjosness, Aquatic Biologist, Olympia Environmental Laboratory
Subject: 96-hour Bioassay Information. Sample from Maraco - Kent

Sample Identification

Maralco

Laboratory Reference Number: 143049
Date Sample Collected: July 10, 1984
Date Sample Received: July 10, 1984
Sample Submitted by: Greg Gregory
Sample Description: "Black dross." A grey, ash-like material.

Test Procedure

The sample was tested for toxic properties in accordance with the Department of Ecology "General Procedure for Static Basic Acute Fish Toxicity Test."

Test Results

The test data are tabulated in detail on the following pages.

Test Details

The sample was tested at 1000 ppm (mg/L) by weight in water.

The test organisms were rainbow trout (*Salmo gairdneri*). The organism length ranged from 34 to 42 mm, giving a short-to-long ratio of 1:1.2. The average length was 38 mm. The average weight was 1.67 grams.

Ten trout were added to 20 liters of sample/water mixture in each aquarium. This gave a flesh-to-mixture ratio of 0.8 gram/liter.

The test was started on September 3, 1984 at 1130 hours and completed on September 7, 1984 at 1130 hours.

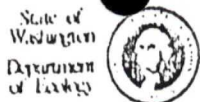
Conclusions

1000 ppm (mg/L) - 0/30 fish died = 0% mortality.
Control - 0/30 fish died = 0% mortality.

DK:cp

Attachments

10-29-84
Material
Similar to
A.R.C. Black Dross
Maralco is similar



DATA SHEET FOR STATIC BASIC ACUTE FISH TOXICITY TEST*

Laboratory Olympia Environmental
Analyst Don Kuvshinov
Beginning: Date 9-3-84 Time 1130
Ending: Date 9-7-84 Time 1130
Test Organism RAINBOW TROUT (Salmo gairdneri)
Required Test Temperature Range 12° ± 1°C

Industry/Toxicant MARACCO
Address KENT
Collector G. GREGORY
Date Sample Collected 7-10-84

Laboratory Reference Number	Test Container No.	Conc. (mg/l)	Number of Cumulative Deaths					Dissolved Oxygen (mg/l)					pH 25°C					Temperature (°C)					Total Hardness (mg/L CaCO ₃)		Total Alkalinity (mg/L CaCO ₃)		Conductivity (µmhos/cm)	
			0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	24	48	72	96	0	96	0	96	0	96
4-3049	1	1000	0	0	0	0	0	9.6	8.3	7.2	6.1	5.0	7.6	7.5	7.4	7.3	7.2	12.2	12.2	12.2	12.4	12.6	40	36	42	42	366	5
ALIC Dross	2	1000	0	0	0	0	0	9.8	7.9	6.7	5.5	4.4	7.6	7.5	7.4	7.3	7.2	12.2	12.2	12.2	12.4	12.6	40	40	43	43		54
	3	1000	0	0	0	0	0	9.9	8.0	6.8	5.6	4.4	7.6	7.5	7.4	7.3	7.2	12.2	12.4	12.4	12.6	12.8	36	32	44	43	358	57
CONTROL	22	TAP H ₂ O	0	0	0	0	0	9.8	8.5	7.4	6.5	5.6	7.6	7.5	7.4	7.3	7.2	12.4	12.4	12.6	12.6	12.8	36	40	44	38	90	11
	23	TAP H ₂ O	0	0	0	0	0	9.7	8.3	7.2	6.3	5.4	7.6	7.5	7.4	7.3	7.2	12.4	12.6	12.8	12.8	13.0	36	28	42	39	40	90
	24	TAP H ₂ O	0	0	0	0	0	9.9	8.4	7.1	5.9	5.0	7.6	7.5	7.4	7.3	7.2	12.4	12.6	12.8	12.8	13.0	40	40	45	39	90	90

Sample Description A GREY, ASH-LIKE MATERIAL
Sample Weight 1.67 Mean Length 38 Longest 42 Shortest 34 Ratio (long/short) 1.2:1
Number of organisms per chamber 10 Ratio of flesh to water 0.8 Comments 20 L/TANK

TELEPHONE USE REPORT

DATE: 10-29-84

TIME: 1100

A.R.C Status

ROUTING

SUBJECT: _____

CALL FROM: ☒ Jim Malm

TO: ☒ Jack Lyon

TELEPHONE NO.: _____

CALL REC'D/

MADE BY: _____

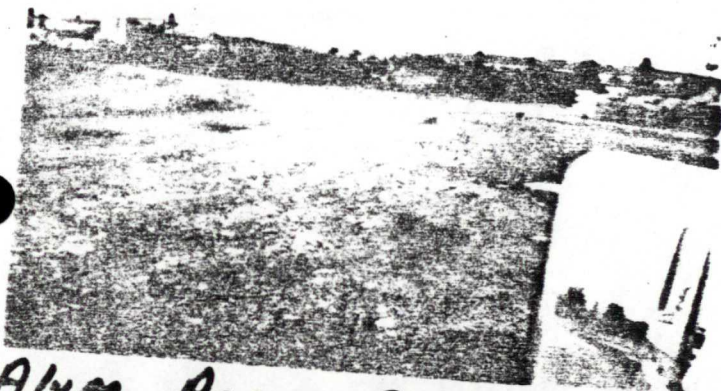
SUMMARY OF CALL:

Drove by ARC to determine activity at facility - Pike still uncovered, 2 cars, 1 truck present - no furnace activity. See atch photo.

Called Jack Lyon re status. He said he was just working on my letter. They intend to cover the pike with material that is in place. Are trying to install a salt saver at Trentwood.

10-30-84 1010

JLM



Alum. Recv. Case

JLM
(Signature)

Site Visit
~~TELEPHONE USE REPORT~~

DATE: 11-16-84

TIME: 1416

SUBJECT:

ARC

CALL FROM: ☐

TO: ☐

TELEPHONE NO.:

CALL REC'D/

MADE BY:

ROUTING

File

SUMMARY OF CALL:

Drove by ARC to determine status of operation. There were two vehicles near trailer, no furnace activity and no apparent action taken to cover pile. See photo below.

11-16-84 1416 JLM



Aluminum Recycling - Dress
pile still uncovered

JLM
(Signature)

COPY

Roger *[initials]*
Jim P *[initials]*

Flora *[initials]*

pls. return
Jim

November 21, 1984

Mr. Jack Lyon
Maralco Aluminum Smelters
7730 South 202nd Street
Kent, WA 98301

Dear Mr. Lyon:

I am writing to inform you that I am proceeding to take action regarding the enforcement of ORDER No. DE 83-380, issued to Aluminum Recycling Corporation.

I have not received the written reply that I requested in my September 26, 1984, letter to you. I had requested that you reply to my inquiry by October 5, 1984.

You indicated to me in my call to you on October 29, 1984, that you had plans to at least cover the black dross pile with material available on site. As of November 16, 1984, no apparent action had been accomplished to cover the pile.

Please contact me if you have any questions regarding this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adw

CERTIFIED MAIL

cc: Leslie Neller-moe, WDOE/Olympia
Phil Miller, WDOE/Olympia

Aluminum Recycling Corporation

P.O. Box 370
Veradale, WA. 99037
(509) 924-6566

November 26, 1984

RECEIVED

NOV 29 1984

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Department of Ecology
E. 103 Indiana
Spokane, WA. 99207

Attn: James L. Malm

Dear Mr. Malm:

This is in response to your letter of Sept. 26, 1984 and to a couple of phone calls since, and your letter of Nov. 21, 1984 regarding the ORDER No. DE 83-380.

As you are aware, ARC has been down since Sept. 1, 1984 because of Kaiser's reduced requirements for our product. Mainly they are impaired by the installation and startup of two new rolling mills (one hot and one cold), both of which should be on line and full output soon. When Kaiser is ready, we will start up ARC again.

It is and will continue to be our intent to operate such that the environment will be properly cared for. During these days of struggling to survive it has been difficult to always perform as we would like but none-the-less, our objectives relative to the environment remain as stated.

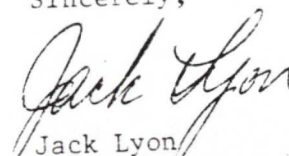
Several confusing and conflicting things have also affected us this year. The most recent of these being the Redmond office of DOE deeming the black-dross at Maralco neither Hazardous nor Dangerous. We got these results just last week and were pleased but yet confused because of the earlier pressures in Spokane.

On the positive side, the Salt Saver invention is now in production at Maralco and you are welcome to see it at your convenience. This process ultimately will solve the whole issue since black dross is converted to its three parts, all reuseable. We are currently recycling about one million pounds per month of black dross using waste heat only. With supplemental heat, which we are adding now, the output (and input) will double. All of the primary aluminum producers and many secondaries are coming through with offers to buy the technology. This response verifies the consensus that the process is physically and economically viable and also holds the promise of bringing us to a stronger financial condition.

Dale Chasse tells me that the tarp I promised would be placed on the black dross pile on our plant site was placed in early November and the next "Chinook" removed it. His error was in neither communicating with you or me nor replacing the tarp and securing it better. My apologies! The tarp is being replaced now.

If it is possible, we will appreciate your continued cooperation and patience.

Sincerely,



Jack Lyon
Aluminum Recycling Corp.

RECEIVED
DEC 3 1984

100-0000-0000

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN RE: ALUMINUM RECYCLING)	
CORPORATION,)	PCHB No. 84-210
)	
Appellant,)	
)	STIPULATION FOR DISMISSAL
vs.)	OF APPEAL
)	
SPOKANE COUNTY AIR POLLUTION)	
CONTROL AUTHORITY,)	
)	
Respondent.)	

This matter having come before the Pollution Control Hearings Board upon the appeal of Aluminum Recycling Corporation from that certain letter/order from Fred O. Gray, Director, Spokane County Air Pollution Control Authority (SCAPCA), dated August 7, 1984, a copy of which is attached to the Notice of Appeal herein, notifying the Appellant that it had failed to meet the conditions of the stipulation between Appellant and SCAPCA dated May 24, 1984.

I.

Subsequent to the date of the Notice of Appeal herein, and since August 30, 1984, Aluminum Recycling

Company has not operated the plant which is the subject of these proceedings.

II.

Aluminum Recycling Corporation has contended that the failure to comply with the prior stipulations of the parties, hereinafter mentioned, were the result of excusable events described in said stipulations. The Respondent, SCAPCA, contends that failure to comply with the hereinafter described stipulations were not the result of excusable events described in said stipulations.

III.

The Appellant has shut down its plant, and does not intend to reopen it until such time as the heretofore approved Notice of Construction and Application for Approval No. 0062 (Revised) as approved subsequent to the stipulation of May 24, 1984, is completed, inspected, approved, and operational, all as provided in the approval of said Notice of Construction, and the stipulation of May 24, 1984,

NOW, THEREFORE, it is hereby stipulated between the Appellant and Respondent, and they agree, as follows:

1. In consideration of the compromise and settlement evidenced by this stipulation, of the appeal from the above-mentioned letter/order of August 7, 1984, the Appellant herein withdraws and voluntarily dismisses

the said above-numbered appeal presently before the Pollution Control Hearings Board.

2. There are presently outstanding suspended penalties pursuant to the Stipulation for Dismissal of Appeals, in PCHB Appeal Nos. 83-207, 84-22, 84-23, and 84-97, dated May 24, 1984, and from the Stipulation for Dismissal of Appeals 83-031 (and others), dated September 20, 1983, all in the total sum of \$5,650.00.

There is presently due and owing and unpaid from Appellant to Respondent, pursuant to the Stipulation of May 24, 1984, the sum of \$750.00.

Subsequent to the execution of the Stipulation of May 24, 1984, SCAPCA has issued field Notices of Violation as follows:

<u>Field NOV. No.</u>	<u>DATE</u>	<u>REASON</u>
3060	8/20/84	Baghouse Opacity
3059	8/08/84	Baghouse Opacity
3607	7/23/84	Baghouse Opacity
3603	6/26/84	Baghouse Opacity
1065	6/01/84	Baghouse Opacity
3546	5/30/84	Baghouse Opacity
3058	5/29/84	Baghouse Opacity

The formal Notices of Violation and imposition of penalty for the above-listed field Notices of Violation

1 have not been issued. The above-listed field Notices of
2 Violation are hereby withdrawn by SCAPCA, and penalties
3 shall not be assessed thereon.

4 3. It is hereby stipulated and agreed by the
5 Appellant that it will not start up its plant, which is
6 the subject of Notice of Construction and Application for
7 Approval No. 0062 (Revised), heretofore mentioned, unless
8 and until construction of the pollution control equipment
9 in accordance with said Notice of Construction and
10 Application for Approval No. 0062 (Revised) is completed,
11 tested, approved, and operational, all as provided in said
12 Approval No. 0062 (Revised) and the Stipulation of May 24,
13 1984, heretofore described. For purposes of reference,
14 said Notice of Construction and Application for Approval
15 pertains primarily to the new cyclone equipment, baghouse,
16 fume hood, and ductwork, for the Appellant's plant.

17 4. The \$750.00 payment, which is presently due,
18 owing and unpaid to SCAPCA from Appellant pursuant to the
19 Stipulation of May 24, 1984, shall be paid by Appellant to
20 SCAPCA prior to operation of the Appellant's plant, and
21 said plant shall not be operated by the Appellant or any
22 successor or assignee until such time as said \$750.00 has
23 been paid in full.
24

25 It is hereby specifically agreed that upon any
26 operation of the Appellant's plant prior to the time the
27
28
29
30
31
32

1 construction provided for by the Notice of Construction
2 and Application for Approval No. 0062 (Revised) is
3 completed, inspected, approved and operational, those
4 portions of the penalties which have been suspended in
5 accordance with the Stipulation of September 20, 1983, and
6 the Stipulation of May 24, 1984, shall become immediately
7 due, payable and collectible in the total sum of
8 \$5,650.00. In the event said suspended portion of
9 penalties becomes due and payable and collectible, as
10 herein provided, the \$750.00 amount due and owing and
11 unpaid to SCAPCA referred to hereinabove, shall also
12 become immediately due and collectible.
13

14 It is further specifically agreed that in the
15 event the Appellant operates its plant prior to the time
16 of completion, inspection, and approval of the
17 construction of the pollution control equipment, in
18 accordance with the Notice of Construction and Application
19 for Approval No. 0062 (Revised), the above-mentioned sums
20 shall become immediately due and collectible by SCAPCA,
21 without further notice or order of SCAPCA. Appellant
22 hereby specifically waives any right of appeal to the
23 Pollution Control Hearings Board in connection with any
24 notice or order to pay the above said sums as a result of
25 said operation of the plant, and agrees that SCAPCA may
26 proceed directly to Superior Court of the State of
27
28
29
30
31
32

Page 5 - STIPULATION FOR DISMISSAL
OF APPEAL

PARRY & ESPOSITO
Suite 300 N 211 Wall
SPOKANE WASHINGTON 99201
(509) 747-6173

1 Washington in and for Spokane County for the collection of
2 said sums and for injunctive or other appropriate relief
3 to prohibit the operation of said plant until construction
4 of the pollution control equipment, in accordance with the
5 Notice of Construction and Application for Approval No.
6 0062 (Revised), is completed, inspected, approved, and
7 operational. It is the intention of the Respondent and
8 Appellant hereby to obviate any further proceedings before
9 the Pollution Control Hearings Board pertaining to any
10 subject matter of this stipulation, or any violation of it
11 by the Appellant, or any order or notice by SCAPCA in
12 connection therewith.
13
14

15 It is hereby further stipulated and agreed that
16 the Pollution Control Hearings Board may enter an Order
17 approving this stipulation in all respects, and dismissing
18 PCHB Appeal No. 84-210.
19

20 DATED this 29 day of ~~October~~ ^{November} 1984.
21

22 SPOKANE COUNTY AIR
23 POLLUTION CONTROL
24 AUTHORITY

25 By: Fred C. Gray
26 Control Officer

ALUMINUM RECYCLING CORPORATION,
Appellant

By: J. P. Olson
President

By: Norm E. Holman
Secretary

27
28
29 APPROVED:

APPROVED:

30 PARRY & ESPOSITO

REED & GIESA, P.S.
Attorneys at Law

31 By: Edward J. Parry
32 Edward J. Parry
Attorneys for Respondent

By: James A. McDevitt
James A. McDevitt
Attorneys for Appellant

Page 6 - STIPULATION FOR DISMISSAL
OF APPEAL

PARRY & ESPOSITO
Suite 300 N. 211 W.
SPOKANE, WASHINGTON 99201
(509) 747-6173

Site Visit

~~TELEPHONE USE~~ REPORT

DATE: 1-3-85

TIME: 1100

SUBJECT:

A.R.C.

CALL FROM: ☐

TO: ☐

TELEPHONE NO.:

CALL REC'D/

MADE BY:

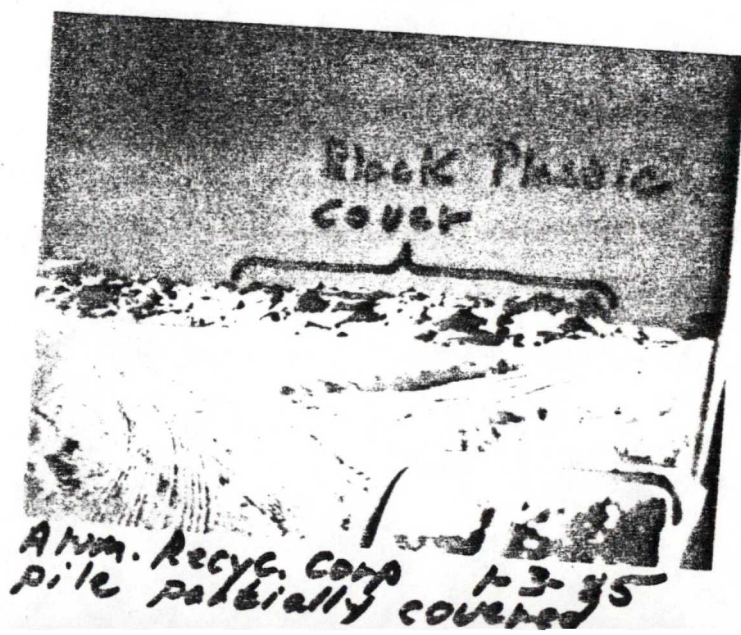
ROUTING

A.R.C. file

SUMMARY OF ~~CALL~~ ^{Visit}:

Drove by A.R.C. to determine if any further activity had taken place.

Part of the pile had been covered with a black plastic material, possibly up to 50%; the remaining area is still uncovered. Photo is attached. Will write to Jack Lyon and recommend penalty for non-compliance with ORDER



Jam
(Signature)

Michael R. ...
File - ... Recycling N.O.V. F...

RECEIVED

DEC 10 1984

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY

JAN 8 1985

BEFORE THE POLLUTION CONTROL HEARINGS BOARD OF ECOLOGY
STATE OF WASHINGTON SPOKANE REGIONAL OFFICE

IN RE: ALUMINUM RECYCLING
CORPORATION,

Appellant,

vs.

SPOKANE COUNTY AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHB No. 84-210

ORDER DISMISSING APPEALS

THIS MATTER having come before the Pollution Control Hearings Board upon the appeal of Aluminum Recycling Corporation from a letter/order of Spokane County Air Pollution Control Authority dated August 7, 1984, a copy of which is attached to the Notice of Appeal,

And the Appellant and Respondent having entered into a stipulation for dismissal of said appeal, which stipulation is on file herein,

NOW, THEREFORE, upon the Stipulation of the parties, it is hereby ordered that the said Stipulation is hereby approved in all respects.

IT IS FURTHER HEREBY ORDERED that the appeal,

PCHB No. 84-210, heretofore filed by Aluminum Recycling Company, be and the same hereby is dismissed.

DATED this 6th day of ~~October~~ ^{DECEMBER}, 1984.

POLLUTION CONTROL HEARINGS
BOARD

Gayle Rothrock
Wick Duffel 12/4/84

Presented by:

REED & GIESA, P.S.

By:

James A. McDevitt
James A. McDevitt
Attorneys for Appellant
Aluminum Recycling Corporation

PARRY & ESPOSITO

By:

Edward J. Parry
Edward J. Parry
Attorneys for Spokane
County Air Pollution
Control Authority,
Respondent

1 CERTIFICATION OF MAILING

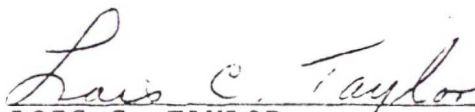
2 I, Lois C. Taylor, certify that I mailed, postage prepaid, copies
3 of the foregoing document on the 6th day of December, 1984, to
4 each of the following-named parties at the last known post office
5 addresses, with the proper postage affixed to the respective envelopes:

6 James A. McDevitt, Attorney
7 Reed & Giesa, P.S.
8 410 Great Northwest Bldg.
222 North Wall St.
Spokane, WA 99201

9 Ed Parry, Attorney
10 Parry & Esposito
Suite 604 Fidelity Bldg.
11 Spokane, WA 99201

12 Fred O. Gray, Exec. Director
SCAPCA
13 W. 1101 College, Room 230
Spokane, WA 99201

14 Gerald Black, Vice Pres.
15 Aluminum Recycl
P.O. Box 370
16 Veradale, WA 99037

17
18
19
20
21 
22 LOIS C. TAYLOR
23 POLLUTION CONTROL HEARINGS BOARD
24
25
26

COPY

January 14, 1985

Mr. Jack Lyon
Aluminum Recycling Corporation
c/o Maralco Aluminum Smelters
7730 South 202nd Street
Kent, WA 98301

Dear Mr. Lyon:

I am writing in response to your November 26, 1984, letter regarding ORDER No. DE 83-380. The information you provided does not specifically state what your intentions are regarding the disposition of the black dross stored at the Aluminum Recycling Corporation (ARC) plant site.

You must appreciate our position regarding the material - simply stated, it is that the material stockpiled at ARC constitutes a threat to the Spokane Aquifer because of possible leaching into the groundwater. I had hoped you would provide me specific information for storage and reprocessing or for removal of the pile.

An inspection of the pile on January 3, 1985, revealed that a partial cover of plastic sheeting had been installed. This cover had been promised by Mr. Buescher early in 1983 as a temporary storage solution. A partial cover provides some protection from leaching, but does not satisfy the intent of the ORDER. We expect you to either develop storage that prevents release of material to groundwater or to remove the pile.

The classification of ARC black dross as dangerous waste is based on fish toxicity and by the dangerous waste mixtures classification (WAC 173-303-084). Please refer to my February 28, 1983, letter to Mr. Buescher and to the November 2, 1983, WDOE Laboratory Report No. 134398, both sent to you on September 26, 1984.

I feel sufficient time has been given to ARC to comply with ORDER No. DE 83-380. Compliance has not been achieved and very little action has been taken to attain compliance. In light of the above, I am recommending action to assess a civil penalty for failure to comply with the ORDER. Additionally, I will be requesting that a daily penalty be assessed until compliance is achieved.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adw

CERTIFIED MAIL

cc: Leslie Nellermeoe, WDOE/Olympia
Phil Miller, WDOE/Olympia

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
RECOMMENDATION FOR ENFORCEMENT ACTION

COPY

MEMO TO: Enforcement Officer

DATE: January 16, 1985

FROM: James L. Malm
(Full Name of Investigator)

(509) 456-2926
(Public Telephone Number)

RECOMMEND ENFORCEMENT ACTION BE TAKEN AGAINST:

I. Aluminum Recycling Corporation/Attention: Mr. Jack Lyon President
(Name: Company, Individual, Municipality, County, etc.)

c/o Maralco Aluminum Smelters 7730 South 202nd Kent, WA 98301
(Address) (Zip Code)

II. For:

A. Violation of Water Well Construction Act of 1971, Chapter 18.104 RCW.

- [] 1. Specific paragraph RCW/WAC _____
[] 2. Failure to submit a well report for a well drilled for _____

(Name of Well Owner)

(Address) (Permit Number)

[] B. Violation of Clean Air Act, Chapter 70.94 RCW. Specific paragraph RCW/WAC _____

[] C. Violation of Flood Control Laws, Chapter 86.16 RCW. Specific paragraph RCW/WAC _____

[] D. Violation of Water Resources Law, Title 90 RCW. (Reference RCW 43.27A) Specific paragraph RCW/WAC _____

[] E. Unlawful discharge of wastes into public waters, RCW 90.48.080.

[] F. Water Quality Regulatory Notice and Order, RCW 90.48.120.

(1) Agricultural Discharges, RCW 90.48.450.

Has consideration been given to change of land use? _____

[] G. Noncompliance with waste discharge permit, RCW 90.48.180. (Include a copy of Page 1 and the page of the permit containing the condition violated.

[] H. Intentional or negligent discharge of oil into state waters, RCW 90.48.350.

[] I. Modification of Water Quality Criteria, WAC 173-201-100(2).

[] J. Violation of Hazardous Waste Laws, Chapter 70.105 RCW. Specific paragraph RCW/WAC _____

[X] K. Other Failure to comply with ORDER No. DE 83-380 dated August 15, 1983.

III. The violation occurred at: (Time) N/A (Date) N/A

IV. Location of the activity: N. 2317 Sullivan Road, Spokane, Spokane County, WA

V. Name of watercourse involved: Spokane Aquifer Class: N/A

MEMORANDUM

CHECK
INFORMATION
FOR ACTION
PERMIT
OTHER

TO Phil Miller
FROM Jim Malm *JM*
SUBJECT ORDER No. DE 83-380/Aluminum Recycling
DATE January 16, 1985

State of
Washington
Department
of Ecology



VI.

ORDER No. DE 83-380 was issued to Aluminum Recycling Corporation under RCW 90.48 and 70.105. RCW 70.105 provides that a penalty may be assessed for failure to comply with regulatory ORDERS issued under that statute.

Aluminum Recycling has not attained compliance with ORDER No. DE 83-380, and has not indicated they intend to comply. We have attempted to work with the company to resolve the problem, but have met with no success. Black dross continues to be stored unprotected over the Spokane Aquifer, thus posing a threat to groundwater through leaching of soluble salts. The material is classified as a state dangerous waste.

Because no action has been taken by the company to comply with the ORDER, a penalty appears appropriate to encourage action.

IX.

I am requesting that a \$5,000 penalty be issued to Aluminum Recycling Corporation for failure to comply with ORDER No. DE 83-380. Additionally, I am requesting that it be stated in the penalty document that daily penalties will be assessed commencing thirty (30) days from the date of issuance of the penalty if no action to comply with ORDER is taken.

JLM:adw

Date: January 16, 1985

RECOMMENDATION FOR ENFORCEMENT ACTION

Name of Company or Individual: Aluminum Recycling Corporation

VI. Narrative of incident/situation: (Use separate page or memo if necessary)

See attached memo.

VII. Physical evidence obtained: Samples _____ Pictures _____ Other _____

VIII. Names and addresses of witnesses _____

IX. Recommended penalty OR regulatory action to be taken:

See attached memo.

Enclosures

Lab Report, No. _____

Pictures _____

James L. Malm
(Investigated by) James L. Malm

ENDORSEMENT

We have taken the following actions within the Region to resolve this problem:

See attached memo.Claude W. Lappington
Environmental Quality Supervisor
or Section Head_____
District Supervisor
(if appropriate)_____
District Engineer
(if appropriate)

Recommend enforcement action be taken as proposed.

John L. Amadio
Regional Manager or Division Supervisor1/16/85
Date

Booth Gardner
Governor



Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6000

FEB 6 1985

cf jam

CERTIFIED MAIL

Aluminum Recycling Corporation
c/o Maralco Aluminum Smelter
7730 South 202nd
Kent, WA 98301

[Handwritten signature]
FEB - 9 1985

Attn: Jack Lyon, President

Gentlemen:

Enclosed is Notice No. DE 85-135. All correspondence relating to this document should be directed to the enforcement officer. If you have any questions concerning the content of the document, please call James L. Malm, Spokane, telephone (509) 456-2926.

A form entitled "Acknowledgment of Service" is also enclosed. Please sign this form and return it to this office.

Sincerely,

Philip E. Miller

Philip E. Miller
Enforcement Officer

PM:jv

Enclosures

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT
OF PENALTY AGAINST
ALUMINUM RECYCLING CORPORATION

)
)
)

NOTICE OF PENALTY
INCURRED AND DUE
No. DE 85-135

To: Aluminum Recycling Corporation -
c/o Maralco Aluminum Smelter
7730 South 202nd
Kent, WA 98301

Attention: Jack Lyon, President

Notice is hereby given that you have incurred, and there is now due from you, a penalty in the amount of \$10,000.00 under the provisions of RCW 70.105.080 and RCW 70.105.095.

The basis for this penalty is that Aluminum Recycling Corporation has failed to comply with Department of Ecology Order No. DE 83-380 dated August 15, 1983. Under RCW 70.105.095, noncompliance with a Department of Ecology regulatory order is subject to a penalty.

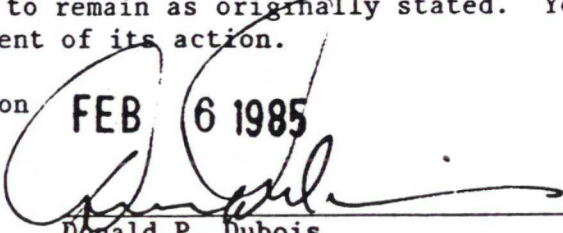
Additionally, daily penalties will be assessed commencing thirty (30) days from the date of issuance of this penalty if no action to comply with Order No. DE 83-380 is taken.

The penalty herein described is due and payable by you within thirty (30) days of your receipt of this Notice. If, however, for any reason, you believe that the violation herein described did not occur or that you have an explanation as to why it occurred, or any other fact which you believe the department should consider with regard to this penalty, and desire to submit an "APPLICATION FOR RELIEF FROM PENALTY," you should set forth these facts on the enclosed form and return it to the department within fifteen (15) days. This form must be signed under oath before a notary public or any other person authorized to take oaths.

Upon receipt of an "APPLICATION FOR RELIEF FROM PENALTY," the department will consider the same and will either reduce the penalty, remit the penalty, or allow it to remain as originally stated. You will be duly notified by the department of its action.

DATED at Olympia, Washington

FEB 6 1985


Donald P. Dubois
Assistant Director
Department of Ecology
State of Washington

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT
OF PENALTY AGAINST
ALUMINUM RECYCLING CORPORATION

APPLICATION FOR RELIEF
FROM PENALTY
No. DE 85-135

To: Department of Ecology
State of Washington
Olympia, Washington 98504
Attention: Enforcement Officer

FEB 25 1985

Aluminum Recycling Corporation (the Company) has received your "NOTICE OF PENALTY INCURRED AND DUE," dated February 6, 1985, for the above number which states that the company has incurred a penalty of \$10,000.00.

I have further read and understand RCW 9A.72.030 which prescribes penalties for the making of false statements. I hereby make, under oath and on behalf of Aluminum Recycling Corporation, application for mitigation or remissions of the aforementioned penalties for the following reasons:

Prior to and since the DOE issued Order DE 83-380 to Aluminum Recycling Corp. (ARC), the company has been in a constant state of turmoil. Its lack of complete and timely response has not been willful rather, management has, as best it could, maintained communications with the enforcement officer and where possible, has taken action to comply with his requirements. Financial difficulties, stemming from the general downturn of the aluminum market (which has been most intense in the northwest), have led us to the brink of bankruptcy. Over the last two years, our attempt to re-establish the company in the recycling of metal for, mainly, Kaiser Aluminum has been marked by:

- a partner's heart attack in Dec. 1983
- adding a new partner in Jan. 1984
- the resignation of the first partner in April 1984
- the resignation of the second partner in August 1984
- the closing of the plant in Sept. 1984

During all this time funds have been very short as aluminum prices dropped and profitability disappeared. We found it impossible to respond fully to the demands of the Order.

We are still hopeful that ARC can be salvaged through refinancing. The hope for a future lies in the utilization of the new "Salt Saver" equipment invented by the owners of ARC, which is already in world-wide demand by the Aluminum Industry even though its development has been completed within the last few months. The "Salt Saver" economically separates and reclaims the aluminum, salts and oxides in the Black Dross which is the subject of the Order.

Currently, the company is not increasing the storage pile of dross because it is not operating. Further it has neither the funds nor the physical ability to immediately comply.

Our plea is for a little more time.

I swear that the foregoing is a true, full, and complete statement of the facts of this case.

Jack Lyon
By: Chumsum Recycling Corp.
Title: President

SUBSCRIBED AND SWORN to before me this 20TH day of FEBRUARY,

1985.

Betty E. Brown
Notary Public in and for the State
of Washington, residing at

SEATTLE.

RCW 9A.72.030 "Perjury in the second degree. (1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law. (2) Perjury in the second degree is a class C felony. [1975 1st ex.s.c. 260 Sec. 9A.72.030.]

MEMORANDUM

State of
Washington
Department
of Ecology



TO: Phil Miller

FROM: Jim Malm

SUBJECT: Aluminum Recycling Corporation - Request
for Mitigation of Penalty, February 20, 1985

DATE: March 18, 1985

I have reviewed the above request and find no new information that would justify mitigation. I recommend the penalty be affirmed.

JLM:adw

ECY 010-33

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT)	NOTICE OF DISPOSITION UPON
OF PENALTY AGAINST)	APPLICATION FOR RELIEF
ALUMINUM RECYCLING CORPORATION)	FROM PENALTY
)	No. DE 85-135

To: Aluminum Recycling Corporation
c/o Maralco Aluminum Smelter
7730 South 202nd
Kent, WA 98301

By "NOTICE OF PENALTY INCURRED AND DUE," dated the 6th day of February 1985, and duly served, Aluminum Recycling Corporation, herein-after referred to as petitioner, was notified of a penalty incurred. This penalty assessment was based upon the following violation:

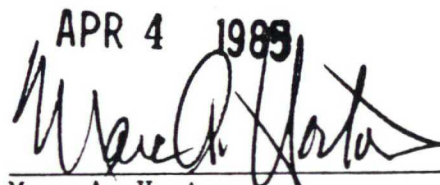
Petitioner failed to comply with Department of Ecology Order No. DE 83-380.

Petitioner was thereupon assessed the sum of \$10,000.00 pursuant to RCW 70.105.080 and RCW 70.105.095. The application for relief from such penalty was filed with the department on the 22nd day of February 1985.

The department, having duly considered said application for relief, is of the opinion that penalty assessment No. DE 85-135 should be affirmed.

WHEREFORE, IT IS ORDERED that penalty assessment No. DE 85-135 be affirmed.

DATED at Olympia, Washington

APR 4 1985


Marc A. Horton
Assistant Director
Department of Ecology
State of Washington

IN DATE

Statement Date: SEP 30 1984

DUNS: 05-382-5352
MATERIALS RECLAMATION CO INC
(DEBTOR-IN-POSSESSION)
MARALCO

DATE PRINTED
APR 30 1985

COMMERCIAL
SECONDARY ALUMINUM
SMELTER
SIC NO.
33 41

SUMMARY	
RATING	--
STARTED	1971
PAYMENTS	SEE BELOW
SALES	(b)(4) copyright
WORTH F	
EMPLOYS	
HISTORY	
CONDITION	

BOX 1167
KENT WA 98032
730 S 202ND ST
AND BRANCH(ES) OR DIVISION(S)
KENT WA 98032
TEL: 206 872-5566

CHIEF EXECUTIVE: NACE HALPIN, PRES TREAS

SPECIAL
EVENTS

01/18/85 CHAPTER XI PETITION FOR REORGANIZATION.

(b)(4) copyright

~~XXXXXXXXXXXX~~
Governor



~~XXXXXXXXXXXX~~
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504 • (206) 459-6000

CERTIFIED MAIL

APR 4 1985

RECEIVED

APR 10 1985

DEPARTMENT OF ECOLOGY
SPokane Regional Office

Aluminum Recycling Corporation
c/o Maralco Aluminum Smelter
7730 South 202nd
Kent, WA 98301

Gentlemen:

Penalty - No. DE 85-135

Enclosed is a "Notice of Disposition Upon Application for Relief from Penalty," No. DE 85-135, affirming the penalty assessed. This department has carefully considered the matters you have submitted in your "Application for Relief from Penalty" and finds no basis for mitigation or remission of the penalty assessed. The penalty is due and payable by you within thirty (30) days of your receipt of this Notice.

The determination of this agency is an administrative action based upon our evaluation of facts and circumstances surrounding the cited pollution incident. Any person feeling aggrieved by this penalty may obtain review thereof by application, within thirty days of receipt, to the Pollution Control Hearings Board, Mail Stop PY-21, Olympia, WA 98504, with a copy to the Director, Department of Ecology, Mail Stop PV-11, Olympia, WA 98504, pursuant to the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip E. Miller".

Philip E. Miller
Enforcement Officer

PM:jv

Enclosures

TELEPHONE USE REPORT

DATE: 5-23-85

TIME: 20930

SUBJECT: _____

Alum. ~~Age~~ Recyc. Corp.

ROUTING

ARC file

CALL FROM: ☐ _____

TO: ☒ Bill Loffer, ^{UPRR} Omaha

TELEPHONE NO.: 402-271-5590

CALL REC'D/

MADE BY: _____

Jim Malm

SUMMARY OF CALL:

I returned Bill Loffer's call of 5-22-85. Bill was calling re ARC. Bill informed me that Union Pacific Railroad was leasing ARC's property to them (ARC). John Huckaby had informed Bill that there was a problem at the ARC facility (Huckaby is with Imperial West Chemical Co next to ARC).

Loffer requested that I provide any information that we might have in our files. I copied and sent what I consider to be appropriate correspondence. Bill also informed me that he has been informed that ARC intends for file for bankruptcy this week.

Bill Loffer's mailing address:

J2M
(Signature)

UPRR

1416 Dodge St.

Rm. 306

Omaha, Nebraska 68179

ERO

DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE
BY ALUMINUM RECYCLING CORPORATION

ACKNOWLEDGEMENT OF SERVICE

No. DE 85-135

RECEIVED

MAY 3 1985

DEPARTMENT OF ECOLOGY
CLERK'S OFFICE

APR 30 1 51 PM '85
OLYMPIA, WA 98504

To: Department of Ecology
State of Washington
Olympia, Washington 98504
Attention: Enforcement Officer

Receipt is acknowledged of Notice of Disposition Upon Application
for Relief from Penalty No. DE 85-135.

DATED this 29 day of April, 1985.

J.P. Lyon
(Signature)

President
(Title)

An application for review by
the Pollution Control Hearings Board
(of this action) is being submitted.

JPL
4/29/85



MEMORANDUM

TO: Bill Lotter, UPRR, Omaha NB
FROM: Jim Malm, WDOE, Spokane
SUBJECT: Aluminum Recycling Corporation
DATE: 5-23-85

State of
Washington
Department
of Ecology



Please find attached the information you requested.
I copied the information that I thought most
appropriate. Some internal memos are not included.
Please call if you have questions.

Jim

Pollution Control Hearings Board
Shorelines Hearings Board
Best Practices Appeals Board



CC: Jim 1alm
ERO Phil

STATE OF WASHINGTON

ENVIRONMENTAL HEARINGS OFFICE

4224-6th Avenue SE, Building No. 2, Rowe Six, MS: PY-21 • Lacey, Washington 98504-8921 • (206) 459-6327 • (SCAN) 585-6327

May 20, 1985

J. P. Lyon, President
Aluminum Recycling Corp.
P.O. Box 370
Veradale, WA 99037

Charles K. Douthwaite
Assistant Attorney General
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

Gentlemen:

Re: PCHB No. 85-68 (DE 85-135)
Aluminum Recycling Company v. DOE

A Notice of Appeal was received by the Board in the above matter. However, to complete your file we need some additional information as indicated on the enclosed checklist.

You will be notified in the near future of a date for hearing this appeal. The parties are encouraged to communicate with each other to try to settle matter.

If you have any questions or need additional information, please contact this office.

Sincerely,

Lawrence J. Faulk
Lawrence J. Faulk
Chairman

LJF:jlh
Enclosure

cc: Phillip Miller
Dept. of Ecology
Mail Stop: PV-11
Olympia, WA 98504

I certify that I mailed a copy of this document
to the persons listed thereon,
postage prepaid by the State of Washington
on May 20, 1985.

Garet A. [Signature]



UNION PACIFIC
SYSTEM

Jim Malm

MAY 20 1985

Union Pacific Railroad
Missouri Pacific Railroad

1416 DODGE STREET
OMAHA, NEBRASKA 68179

C. O. DURHAM
DIRECTOR-REAL ESTATE
R. F. NIEHAUS
ASST. DIRECTOR-REAL ESTATE

EASTERN DISTRICT
DISTRICT REAL ESTATE DIRECTOR
D. H. LIGHTWINE
REAL ESTATE AGENTS
R. J. ZADINA
T. J. STENSTROM
M. S. SCHULTE
P. L. WHITE

WESTERN DISTRICT
DISTRICT REAL ESTATE DIRECTOR
M. A. PASSO
REAL ESTATE AGENTS
D. R. RECHTENBACH
W. T. GALLO
D. R. LEWIS

NORTHWESTERN DISTRICT
DISTRICT REAL ESTATE DIRECTOR
A. O. MEYER
REAL ESTATE AGENTS
F. B. SHARAR
P. G. FARRELL
W. L. LOFFER
J. E. MATZA

D. D. BROWN
DIRECTOR-SYSTEM PROJECTS
AND PROPERTY MANAGEMENT
R. D. RICE
MANAGER-SYSTEM PROJECTS
L. L. DOLL
MANAGER-REAL ESTATE ENGINEERING
R. W. CHRISTENSEN
REAL ESTATE AGENT
G. B. COLLINS
MANAGER-TITLES & CONVEYANCES

May 23, 1985

749-20

Mr. Jim Malm
% Washington State Department
of Ecology
4601 Monroe Street
Suite 100
Spokane, Washington 99205

Dear Mr. Malm:

Please refer to today's phone conversation with my representative, Bill Loffer, regarding the dangerous waste problem located on Railroad Company property which is now leased to Aluminum Recycling Corporation at Trentwood, Washington.

As stated in the above mentioned phone conversation, please forward to me all pertinent information regarding the dangerous waste located upon this site.

Your cooperation in resolving this matter is greatly appreciated.

Very truly yours,

A.O. Meyer

Pollution Control Hearings Board
Shorelines Hearings Board
Forest Practices Appeals Board



cc: Jim Malm
CRO

STATE OF WASHINGTON

ENVIRONMENTAL HEARINGS OFFICE

4224-6th Avenue SE, Building No. 2, Rowe Six, MS PY-21 • Lacey, Washington 98504-8421 • (206) 459-6327 • (SCAN) 585-6327
June 14, 1985

J. P. Lyon, President
Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Charles K. Douthwaite
Assistant Attorney General
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

Gentlemen:

Re: PCHB No. 85-68
Aluminum Recycling Corp. v. DOE

Pursuant to chapter 43.21B RCW and chapter 371-08 WAC, the hearing on the merits and issues will now be held on Tuesday, July 30, 1985, commencing at 1:30 p.m. in the Room 485, U.S. Courthouse, 920 West Riverside, Spokane, Washington.

The parties are encouraged to communicate with each other to try to settle this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lawrence J. Faulk
Lawrence J. Faulk *by JLF*
Chairman

LJF:jlh
Enclosure
cc: Phillip Miller
Dept. of Ecology
Mail Stop: PV-11
Olympia, WA 98504

I certify that I mailed a copy of this document to the persons and addresses listed thereon, postage prepaid, in a receptacle for United States mail at Lacey, Washington on June 14, 1985.

David L. Lyle



*cc you
Malm*

STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

4224-6th Avenue SE, Building No. 2, Rowe Six, MS. PY-21 • Lacey, Washington 98504-8921 • (206) 454-6327 • (SCAN) 585-6327

July 15, 1985

[Signature]

J. P. Lyon, President
Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Charles K. Douthwaite
Assistant Attorney General
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

JUL 16 1985

Gentlemen:

Re: PCHB No. 85-68
Aluminum Recycling Corp. v. DOE

The request for a change of hearing location in the above matter is denied. Because there are local witnesses being called and because a site visit has been requested, all parties concerned would be better served if the hearing remains in Spokane.

If you have any further questions, please contact this office.

Sincerely,

Lawrence J. Faulk
- by JTT
Lawrence J. Faulk
Chairman

LJF:jlh

cc: Phillip Miller
Dept. of Ecology
Mail Stop: PV-11
Olympia, WA 98504

I certify that I mailed a copy of this document to the persons and addresses listed thereon, postage prepaid, in a receptacle for United States mail at Lacey, Washington on July 15 1985.

[Signature]



OFFICE OF THE ATTORNEY GENERAL

July 24, 1985

Mr. Jack P. Lyon
Maralco Aluminum Smelter
P.O. Box ~~1169~~ 1167
Kent, WA 98032-3167

Re: Aluminum Recycling Corp. v. State of Washington,
Department of Ecology, PCHB No. 85-68

Dear Mr. Lyon:

This case involves Aluminum Recycling Corporation's appeal of a \$10,000 penalty issued by the Department of Ecology. This matter is to be heard by the Pollution Control Hearings Board on Tuesday, July 30, 1985, commencing at 1:30 p.m. in room 485 of the United States Courthouse in Spokane, Washington.

The proposal I discussed with you by phone on Tuesday, July 23, was intended for settlement purposes only. This letter is written in response to your request that I reduce that proposal to writing. The settlement proposal of the Department of Ecology is as follows:

1. Your company's appeal of the \$10,000 civil penalty assessed by the Department of Ecology would be dismissed. In place of this appeal, the Department of Ecology would bring an action in Superior Court, and we would file an agreed judgment in the amount of \$10,000. The state would agree, as part of this court proceeding, that the state would not make any attempt to collect its \$10,000 judgment, by way of levy of execution or otherwise, for a minimum period of 12 months beginning with the day the judgment is filed with the Superior Court.
2. Aluminum Recycling Corporation would agree to allow the state Department of Ecology, its contractors, or agents, to have access to Aluminum Recycling Corporation's place of business in Veradale, Washington, in order to secure the black dross located on the site, or, at the discretion of the Department of Ecology, to remove that material to the Mica landfill for disposal.

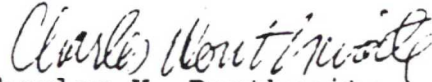
OFFICE OF THE ATTORNEY GENERAL

July 24, 1985

Page 2

We discussed the merits of this proposal yesterday. I will not go through that subject again in order to get this letter out quickly. I will, of course, be happy to discuss this with you. I trust that you will consider this proposal and I recommend that you find it in your company's interest to accept. Otherwise, I will see you in Spokane on Tuesday, July 30.

Very truly yours,



Charles K. Douthwaite
Assistant Attorney General

CKD:sc

Aluminum Recycling Corporation

P.O. Box 1167

Kent, WA. 98032-3167

July 26, 1985

Senator Robert McCaslin
Institutions Bldg., Room 105
Olympia, WA 98504

Dear Senator McCaslin,

I am the president of Aluminum Recycling Corporation (ARC) in the Spokane Valley, an employer of twenty five people, which recycles used beverage cans for Kaiser Aluminum, Trentwood Works. The very survival of my company is currently in jeopardy as a result of inappropriate action being taken by the Washington State Department of Ecology and I need help.

Briefly the story is this. The furnace through which we process Kaiser's cans uses molten salt as a medium in which the cans melt. This isolates the melting cans from oxygen and brings much higher recovery of useful aluminum since oxidation is nearly eliminated. A salty byproduct (called black dross) results which contains:

- 27% Sodium Chloride (table salt)

- 18% Potassium Chloride (Potash as in fertilizer)

- 10% Aluminum metal

- 45% Aluminum Oxide (ore used in making aluminum)

This material was being generated by ARC back in 1983 and was stored on the plant site. Since the site is not large, we expected to ultimately haul the material to the Mica dump to get it out of the way.

The DOE took note of the pile and decided to assess its toxicity. Whereas, the most usual method the DOE used to assess an actual waste is the fish-bioassay, in this case it elected to use the theoretical standard in the law based on oral-rat tests. The calculation gave a low grade toxicity based on the assumed content of 35% sodium chloride. On this basis, an order was given ARC to take precautionary measures to prevent potential leaching of the salt into the ground. The Order was not appealed within the allowed 30 day period. ARC management focussed on compliance best it could with limited funds. (The company was already in trouble financially as a result of the ailing aluminum market.) Two months after issuing the order, the DOE took samples and ran a fish-bioassay. It resulted in two classifications of black dross; "fresh" which showed some fish kill and "aged" which showed no fish kill. No further attempt was ever made to distinguish the timing of "fresh" and "aged". Obviously the pile would be largely "aged" and therefore non-hazardous. Also, the DOE has done fish-bioassays on black dross at other generators plants in the state and found no fish kill. These are at Intalco Aluminum in Ferndale and Maralco Aluminum in Kent. In addition to its non-hazardous nature, the material does not leach into the ground because of the aluminum oxide content, which forms a seal between the pile and the ground. As a result of the DOE Order, the Spokane Internation Railroad, from whom we lease ARC's plant site, has served ARC an eviction notice effective August 15, 1985. A hearing before the Pollution Control Hearings Board is scheduled July 30 in Spokane on this Order (against which a \$10,000 fine has been levied which ARC has appealed)


The above facts were presented to the Attorney General's office on July 22, 1985 in hope that understanding of the facts would turn things around but the response was:

1. The original Order was proper.
2. ARC did not appeal within 30 days and is delinquent in compliance.
3. Actual toxicity is not the issue.
4. The fine stands.
5. The pile must be moved to the Mica dump.

If unchanged, the present situation will lead to bankruptcy of ARC and its owners. Any reconsideration will be greatly appreciated.

Sincerely

ALUMINUM RECYCLING CORPORATION


Jack Lyon
President

(206) 872 5566

JPL:gl
Enclosure

cc: Peter Von Reichbauer

COMMITTEES
JUDICIARY
ENERGY & UTILITIES
GOVERNMENT OPERATIONS



Delivered 7/26/85
by Bruce Hawkins, staff 5

BOB McCASLIN
STATE SENATOR
FOURTH DISTRICT
REPUBLICAN
CAUCUS VICE CHAIR

cc: Horton
-for Director's
response - expected

cc: Galt/Dawkins

Washington State Senate

July 26, 1985

Olympia

Andrea Beatty Riniker, Director
Department of Ecology
Olympia, WA 98504-8711 PV-11

Dear Andrea:

Mr. Jack Lyon of Aluminum Recycling Corporation has been in contact with me requesting assistance on a matter of extreme concern to him and his company.

Please give the following matter your fullest attention.

Mr. Lyon is a principle of ARC which is located next to the Kaiser-Trentwood plant in Spokane and is now facing imminent extinction. The difficulties stem from legal technicalities surrounding a Department of Ecology order to remove aluminum dross from the company grounds.

Subsequent to the order from DOE officer James Malm, ARC was fined \$10,000 by the Attorney General's office. Spokane International Railroad, who Mr. Lyon leases the Spokane plant property from cancelled the ARC lease July 15, 1985 to be effective Aug. 15, 1985 if the problem has not been solved. Finally, ARC may face bankruptcy because of the DOE order.

According to Mr. Lyon, the DOE has not given sufficient evidence that the dross is harmful, or for that matter, even causing hazardous pollution.

Enclosed are copies of a letter from Mr. Lyon describing the problem and a letter from the Attorney General's office regarding the same.

Thank you for your assistance. In this case time is of the essence. I would appreciate very much if you would keep me informed on your progress.

Sincerely,

A handwritten signature in dark ink, reading "Bob McCaslin". The signature is written in a cursive, slightly slanted style.

Bob McCaslin
State Senator
Fourth District



OFFICE OF THE ATTORNEY GENERAL

July 29, 1985

Ms. Gayle Rothrock
Pollution Control Hearings Board
Mail Stop: PY-21
Olympia, WA 98504

Re: Aluminum Recycling Corporation v. Dept. of Ecology,
PCHB No. 85-68

Dear Ms. Rothrock:

The above named matter is now set to be heard by the Pollution Control Hearings Board on July 30, 1985, in Spokane, commencing at 1:30 p.m. in Room 485 of the United States Courthouse. This letter is sent to apprise you of the Department of Ecology's view of the law and facts. I will not be submitting a hearing memorandum to the board. Also find enclosed the respondent's list of exhibits and copies of documents which are available to me at this time.

STATEMENT OF THE CASE

Aluminum Recycling Corporation filed this appeal after receiving a \$10,000 penalty issued by the Department of Ecology. It was assessed based on Aluminum Recycling Corporation's failure to comply with the provision of Order DE 83-380. Order 83-380 was issued by the Department of Ecology on August 15, 1983 to Aluminum Recycling Corporation. Order 83-380 was not appealed, nor has the Department of Ecology withdrawn that order. Aluminum Recycling Corporation has not complied with Order 83-380.

SUMMARY OF THE FACTS

Aluminum Recycling Corporation is a private corporation that operated until September, 1985, a secondary aluminum smelter used to recycle beverage cans and aluminum furnace skimmings into aluminum ingots. This business is conducted near Veradale, Washington. Aluminum Recycling Corporation's (hereafter ARC) smelter was started up during mid 1982. In November, 1982, Mr. Henry Buescher, then vice-president of ARC, contacted the

Department of Ecology's eastern regional office to discuss a plan to reprocess "black dross." Mr. James Malm responded to Mr. Buescher's contact in December, 1982, and requested that all leachable material, including black dross, be stored in a manner that prevents soluble salts from entering the soil and groundwater. Please understand that "black dross" is a by-product of ARC's can smelting process. "Black Dross" contains approximately 50% salt, including sodium chloride and potassium chloride, aluminum oxides, and some pure aluminum.

"Black dross" is a designated dangerous waste under Department of Ecology's regulations. Mr. Malm informed ARC of this designation, and provided his analysis in a letter sent in February of 1983. This letter explained that the black dross is "book designated" as a category D toxic waste. The procedure, in essence, requires that the concentration of constituents in the waste be known and that the quantity of waste, measured in pounds, also be established. The toxicity of given constituents in the waste is then determined by reference to standard sources, such as the National Institute for Occupational Safety and Health document called the "Registry of Toxic Effects of Chemical Substances." Upon determining the concentration of toxic constituents, the generator of waste is then referred to a toxic dangerous waste mixtures graph provided in the regulations. If the concentration of toxic constituents exceeds a given percentage, and the weight of the waste exceeds a given number of pounds, then the waste may be regulated as a dangerous waste or extremely hazardous waste. The waste mixtures graph is provided at WAC 173-303-9906.

In addition to Mr. Malm's analysis of the waste, ARC's management provided signed and certified statements that ARC's "black dross" constituted a toxic dangerous waste. The first of these certifications was provided in a form "Notification of Dangerous Waste Activities" received by the Department of Ecology December of 1982.

The second such certification was provided, signed and certified by Mr. Gerald Black, then vice-president of ARC, on a form called "Dangerous Waste Permit General Information" delivered on July 17, 1984. The black dross appears to be categorized as dangerous waste according to the Department of Ecology's "book designation" procedure and ARC has certified the waste to be dangerous waste on two separate occasions.

Staff from the Department of Ecology's Spokane office and ARC management met in February, 1983. This meeting produced an

agreement that ARC would protect the black dross from the elements. The Department of Ecology's position communicated to ARC at that time was that unprotected storage of black dross was not adequate. No action was taken by ARC pursuant to the February 1983 meeting although a detailed schedule of action was provided to ARC by a letter sent from the Department of Ecology to confirm the understandings from the meeting.

Department of Ecology issued Order DE 83-380 on August 15, 1983. This order was issued because ARC had failed to produce on its agreement in February. The order provides for a staged schedule of activities, including removal of black dross which is not suitable for recycling, installation of protection for the dross, such as berms, ditches, and a waterproof covering, a ceiling on the tons of black dross held in storage at ARC's facility, and a date for submission of plans and specifications for a permanent storage facility. ARC did not appeal Order 83-380. ARC did not comply with the terms of Order 83-380 either.

By February of 1984, the Department of Ecology was planning to refer enforcement of Order 83-380 to the Attorney General's office. ARC was informed of this plan. A letter containing this information stated that the Department of Ecology's basis for enforcement was first, that no cover or berm had been installed around the piled black dross, second, that only a small portion of the dross had been removed, and third, that no plans or specifications for a permanent storage facility has been provided.

By June of 1984, Department of Ecology staff, Assistant Attorney General Leslie Nellermoe, and Vice-president Gerald Black were meeting to discuss another schedule for protection of the volume of dross stored at ARC's facility, and installation of devices intended to secure the dross against the weather. This agreement called for a covering over the dross by October 1, 1984. ARC did not follow through with this agreement, although some dross was removed from the site during February, March, and April, 1984. Some dross was covered, although not all of it. No berms or ditches to protect against storm water infiltration were ever installed, nor were plans and specifications for a permanent storage facility ever received. Mr. Jim Malm, who had been following the matter for the Department of Ecology, conducted inspections of the site during October and November of 1984. His inspections revealed that ARC had not followed through on any of its commitments. The findings from these inspections were communicated to Mr. Jack Lyon who was then representing ARC.

110

Gayle Rothrock
July 29, 1985
Page Four

Mr. Malm inspected ARC's facility on January 3, 1985, and found that only a portion of the pile covered. This deficiency was pointed out to Mr. Lyon and a penalty, number DE 85-135, in the amount of \$10,000 was issued February 6. This is the penalty appealed in this matter.

CONCLUSION

The Department of Ecology has authority under RCW 70.105.095, to assess a penalty for failure to comply with an order concerning hazardous waste violations. Order DE 83-380 was issued under the authority of 70.15.095, and concerned violations of the Department of Ecology's dangerous waste regulations. The black dross in question is dangerous waste according to those regulations, and according to two separate signed certifications from ARC's management. The black dross has not been "delisted" or removed from the category of dangerous waste. ARC did not appeal Order DE 83-380. Therefore it would appear ARC has lost its opportunity to challenge Department of Ecology's findings made in that order, assuming that ARC would want to challenge those findings after two of its vice-presidents certified that the black dross in question was dangerous waste under Department of Ecology's rules. ARC did not challenge Department of Ecology's order, ARC admitted that the material was dangerous waste, yet ARC did not comply with that order either. The \$10,000 penalty appealed in this matter should be affirmed, as it is warranted by ARC's inability or reluctance to comply with lawful directives of the Department of Ecology.

Very truly yours,



Charles K. Douthwaite
Assistant Attorney General
(206) 459-6155

CKD/ks

Enclosures

ANDREA BEATTY RINKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

August 5, 1985

Claude
Roger
p/s. return
Jim

Honorable Bob McCaslin
Washington State Senate
1003 South Pines Road
Spokane, WA 99206

File ARC
D.W. file

Dear Senator McCaslin:

Thank you for your letter of July 26, 1985 regarding the Department of Ecology's enforcement activity involving Aluminum Recycling Corporation in Spokane County.

This case concerns much more than legal technicalities. The company is storing spent aluminum fluxing salt in an unprotected waste pile over the Spokane Valley aquifer. This spent fluxing salt is designated as a dangerous waste under Chapter 173-303 WAC, Dangerous Waste Regulation. It is subject to full regulation as a dangerous waste storage facility. Additionally, the material is quite soluble, and in the professional judgment of the Eastern Regional Office field staff, poses a threat of contamination to the underlying ground water.

The Eastern Regional Office staff have worked with this company since February 1983, to bring them into compliance with environmental regulations. This effort has met with very limited success. I am convinced that the current position and activity of the department regarding Aluminum Recycling Corporation is justified. Mr. Charles Douthwaite, the Assistant Attorney General representing the Department of Ecology in this case, attempted to negotiate an agreement with Mr. Jack Lyon. The proposed agreement would have deferred the penalty for a minimum of 12 months through superior court action. This action would have allowed the company time to resolve their financial problems. The agreement was apparently unacceptable to Mr. Lyon.

The Pollution Control Hearings Board heard this case on July 30, 1985. This hearing allowed the Board to examine the department's application of the regulations in this situation. If the company felt the department's administration of the regulations was improper, they had the opportunity to argue their case at this hearing.

Honorable Bob McCaslin
August 5, 1985
Page 2

It is my judgment that department actions in this matter have been quite reasonable and that the company has been given ample opportunity to achieve compliance. The point has been reached in this case where, in the interest of public health and the environment, the department had to force the issue.

If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Andrea Beatty Riniker".

Andrea Beatty Riniker
Director

COMMITTEES
JUDICIARY
ENERGY & UTILITIES
GOVERNMENT OPERATIONS



En. M.
Pager
A/s return
BOB McCASLIN
STATE SENATOR
FOURTH DISTRICT
REPUBLICAN
CAUCUS VICE CHAIRMAN
cc: Horton

Washington State Senate
Olympia

10-019-1985
10-019-1985

August 13, 1985

Andrea Beatty Riniker
Director, Department of Ecology
Olympia, WA 98504-8711 PV-11

Dear Andrea:

I thought it appropriate to send a note of appreciation for your patient cooperation and investigation of the Aluminum Recycling Company of Spokane.

As the state senator representing the district ARC is located in, I was obligated to request an examination of the matter on their behalf.

All I expect, in cases similar to ARC, is an investigation of the facts and a just decision from the related state agency. I feel you have done both very well.

Thanks again for your efforts.

Sincerely,

Bob McCaslin

Bob McCaslin
State Senator
Fourth District



cc: Jim Malm
ER

STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

4224-6th Avenue SE, Building No. 2, Rowe Six, MS: PY-21 • Lacey, Washington 98504-8921 • (206) 454-6327 • (SCAN) 585-6327

August 14, 1985

J. P. Lyon, President
Aluminum Recycling Corp.
P.O. Box 1167
Kent, WA 98032-3167

Charles K. Douthwaite
Assistant Attorney General
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

Gentlemen:

Re: PCHB No. 85-68
Aluminum Recycling Corp. v. DOE

Herewith are the Final Findings of Fact, Conclusions of Law and Order of the Pollution Control Hearings Board in the above-entitled matter as a result of the hearing held on July 30, 1985, and August 6, 1985.

This is a FINAL ORDER for purposes of appeal pursuant to WAC 371-08-200.

Sincerely,

Gayle Rothrock
Gayle Rothrock
Presiding Officer

GR:jlh
Enclosure
cc: Phillip Miller
Dept. of Ecology
Mail Stop: PV-11
Olympia, WA 98504

I certify that I mailed a copy of this document to the persons and addresses listed thereon, postage prepaid, in a receptacle for United States mail at Lacey, Washington on August 14, 1985.

James E. Dwyer

TELEPHONE USE REPORT

State of Washington
Department of Ecology
Eastern Regional Office

DATE: 8-15-85
TIME: 0832

SUBJECT:

Alum. Reeyc. Corp Black Dross

ROUTING

CALL:

☐ To

Jim Malm

☒ From

Bob Monkworth

TITLE:

UPRR Engineering

LOCATION AND

TELEPHONE NUMBER:

BY:

SUMMARY OF CALL:

ARC File

Bob called to tell me the UPRR was initiating legal procedures to remove ARC from their property so that UP may have legal access to remove the black dross stock piled at the Sullivan Rd. plant. Bob estimates that the action will take about 3mo. and want to emphasize that the railroad was doing this on a voluntary basis.

JM

State of Washington
Department of Ecology
Eastern Regional Office

TIME: 0847

☒ To

$[206 + 872 + 5566]$

Told me about PCHB decision
reduced penalty to \$2000. No argument
on the fact that the Order was valid

Ch. 11 on Tuesday

Aluminum Recycling Corporation

P. Box 1167

Kent, WA. 98032-3167

August 19, 1985

VIA FEDERAL EXPRESS

Mr. James Malm
Washington Department of Ecology
Spokane, WA

AUG 21 1985

Dear Mr. Malm:

It is the intention and hope of Aluminum Recycling Corp. that it can, at long last, get its plant in operation soon, now that market conditions are suitable for the first time in two years or so. As we discussed on the phone on Friday, 8/16/85, the first step toward renewed operation will be an acceptable plan from ARC to the DOE for the immediate protection from the weather of the black-dross pile on the ARC site. ARC has no funds since the plant has been down a year now. The initial step will, of necessity, be limited but effective and, hopefully, acceptable. Once the approval of a plan for temporary protection of the pile is in hand, ARC will have a chance to get in operation, generate some revenues and begin taking steps toward permanent protection, disposal and/or reprocessing of the present and future generation of black-dross. In addition, ultimately the Kaiser/Trentwood black-dross can also be recycled at ARC.

The proposed plan is:

1. By October 31, 1985 — a) ditch around the pile and place the excavated dirt as a berm at the base of the pile. The ditch will be "shot in" such that it drains the runoff away from the pile. b) Smooth the top of the pile sufficiently that the remaining protrusions will not be likely to puncture a tarp. c) Place a waterproof tarp on top of the pile overlapping the sections (like roof shingles) with the bottom, outer edge overlapping the berm such that the runoff goes over the berm, into the ditch and drains away from the pile. d) Retain the tarp on the pile with old tires such that the wind will not likely remove nor tear it. e) Monitor the temporary protection system and maintain it.
2. By December 31, 1985 — Arrange financing sufficient for a plant startup.
3. By March 31, 1986 — Complete the baghouse and other preparations for startup.
4. During April, 1986 — Startup and debug the plant.
5. May 1, 1986 — Be in full production and, each month, haul to Mica dump 40 tons of black-dross more than the current generation.
6. December 31, 1986 — Have on-site pile reduced to 1000 tons or less.
7. January 1, 1987 — Begin installation of a Salt-Saver.

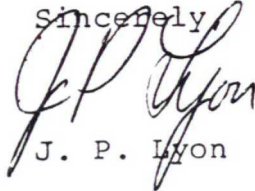
8. May 1, 1987 — Startup Salt-Saver.
9. By June 1, 1987 — Debug Salt-Saver and begin processing current black-dross generation (300 tons/mo.) and additionally process 100 tons per month from the on-site pile.
10. By October 1, 1987 — Reduce the on-site pile to one-month's-worth (about 300 tons) and have suitable provisions to permanently protect the on-site pile from the weather. Probably in one of the present buildings.
11. Fall of 1987 — Begin processing Kaiser/Trentwood's black-dross (in addition to ARC's) through same Salt-Saver.

Notwithstanding the recent hearing on the subject in which ARC pleaded for leniency on various bases, I would like it understood that neither ARC nor its owners take environmental preservation lightly. Further, we have and do intend to comply with all regulations prescribed by governmental agencies. Nothing ARC has done (or failed to do) should be viewed as willful resistance. Desperation and confusion have been the primary cause of ARC's awkwardness in this whole issue as we've struggled on the brink of bankruptcy.

With the market's recent turn for the better, we have a hope again and we desire a cooperative and productive relationship with the DOE which will serve both the State of Washington and ARC.

Thank you for your consideration.

Sincerely,


J. P. Lyon

JPL:gl

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
ALUMINUM RECYCLING CORPORATION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 85-68

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER

This matter, the appeal of an order imposing a \$10,000 civil penalty for failure to complete terms of a 1983 regulatory order, came on for formal hearing before the Pollution Control Hearings Board; Lawrence J. Faulk, Wick Dufford, and Gayle Rothrock (presiding) at Spokane, Washington, on July 30, 1985, and at Lacey, Washington, on August 6, 1985. Ken Wittstock of Spokane and Donna K. Woods of Tacoma officially reported the proceedings. A visit was made of the Veradale, Washington ARC site.

Appellant company was represented by its president, Jack Lyon.

1 Respondent Washington State Department of Ecology was represented by
2 Charles K. Douthwaite, Assistant Attorney General.

3 Witnesses were sworn and testified. Exhibits were admitted and
4 examined. Argument was heard. From the testimony, evidence, and
5 contentions of the parties, the Board makes these

6 FINDINGS OF FACT

7 I

8 Aluminum Recycling Corporation (ARC) operated a secondary aluminum
9 smelter which recycled beverage cans and aluminum furnace skimmings
10 into aluminum ingots at a leased site near the rolling mill of Kaiser
11 Aluminum Corporation near Veradale on Sullivan Road. ARC's smelter
12 commenced operation there during mid-1982 and closed down in
13 September, 1984, at least in part due to an economic downturn in
14 domestic aluminum markets, a downturn which persists.

15 II

16 In November 1982 the vice president of ARC contacted WDOE's
17 Eastern Regional Office to discuss a plan to reprocess black dross,
18 dark grey-to-black tailings from the smelting process. In December a
19 WDOE official requested that all leachable material, including black
20 dross, be stored in a manner that prevents soluble salts from
21 entering the soil and groundwater. Reports on the typical content of
22 black dross indicate it contains approximately 50 percent salts,
23 including sodium chloride and potassium chloride. Some pure aluminum
24 and aluminum oxides are also in dross.

25
26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

III

1
2 In February 1983 the same WDOE official, who evaluates and
3 monitors hazardous waste storage and disposal practices of many
4 companies in northeastern Washington, wrote ARC informing them that
5 black dross is a designated dangerous waste--category D toxic
6 waste--under WDOE regulations. Such types of regulation-referenced
7 categorizations are called in the vernacular, "book designation."

8 WDOE regulations are based on concentrations of suspect
9 constituents of by-products or compounds. Percentage and weight
10 figure into the calculations. U. S. Environmental Protection Agency
11 and U. S. Occupational Health and Safety Administration source
12 documents are consulted. Black dross, at category D, is a
13 less-alarming or low-level toxic waste.

IV

14
15 In the course of interacting with regulatory authorities, an ARC
16 corporate official discovered that being in the modern recycling
17 business was not enough to set aside compliance with each of the
18 environmental laws of the state and he filed a "Notification of
19 Dangerous Waste Activities" form with WDOE in December of 1982
20 indicating ARC was a generator, treater, and storer of salty dangerous
21 waste. Numerous discussions followed.

V

22
23 WDOE was apparently under the impression ARC agreed to a program
24 of covering dross stockpiles, constructing diversion ditches around
25 such stockpiles and initiating a salt recovery process which would

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

1 reprocess all accumulated material during the summer. By early August
2 the only thing ARC did was purchase covering for the stockpiled dross.

3 Feeling the need to formalize their arrangements and agreements
4 for compliance, WDOE issued Regulatory Order DE 83-380 calling for
5 protection of a limited amount of covered black dross (1,000 tons) in
6 interim storage and removal of all dross in excess of that amount to
7 the Mica Sanitary Landfill by September 30, 1983.

8 VI

9 ARC did not appeal the terms of this order to this Board, nor did
10 it comply with the order.

11 The company experienced organizational and economic problems and
12 could not find a course of action to bring its salt recovery process
13 to the worldwide market place, or even its own facility at Veradale.
14 Some black dross was moved to the Mica Sanitary Landfill before it was
15 temporarily closed.

16 VII

17 In February 1984 WDOE informed ARC it was referring enforcement
18 DE 83-380 to the Attorney General's Office. Meetings occurred in Ju
19 1984 to discuss yet another schedule for the protection of the large
20 volume of dross stored at the ARC facility. In July samples were
21 taken for WDOE fish bioassay tests of apparently "aged black dross."
22 There were no mortalities. In August samples were taken of apparer
23 "fresh black dross." At 1,000 ppm in water there was 100 percent
24 mortalities.

25
26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

VIII

Some additional dross was removed to the Mica Landfill in February, March, and April 1984, and some dross was covered. Weather conditions were fairly brutal to the covering. Good covering was to be installed by October 1, 1984. The company ceased operations at the site in September 1984.

Site inspections in October and November 1984 revealed non-compliance with the June 1984 agreements. This was communicated to the company president. Another site inspection occurred early in January 1985. Only a portion of the dross pile was covered.

IX

Thereafter, on February 6, 1985, WDOE issued a civil penalty, Order Number DE 85-135 in the amount of \$10,000. Appellant applied for relief from the penalty immediately. On April 4, 1985, the WDOE denied the application for relief. From this appellant ARC, by its president Jack Lyon, appealed to the Board for relief from the penalty and declassification of black dross as a dangerous waste on May 1, 1985.

X

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such.

From these Findings, the Board comes to these

CONCLUSIONS OF LAW

I

The Board has jurisdiction over these persons and these matters.

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

1 Chapters 43.21B, 90.48 and 70.105 RCW.

2 II

3 The appealed civil penalty DE 85-135 is lawfully at issue in this
4 matter. Order DE 83-380 is not. The statute of limitations has run
5 its course on that order.

6 Under terms of chapter 70.105.080 and .095, penalties may be
7 levied for failure to comply with dangerous waste management laws and
8 regulations. ARC did not comply with DE 83-380 and various requests
9 by WDOE.

10 (1) Every person who fails to comply with any
11 provision of this chapter or of the rules
12 adopted thereunder shall be subjected to a
13 penalty of not more than ten thousand dollars
14 per day for every violation. Each and every
15 such violation shall be a separate and distinct
16 offense. In cases of continuing violation,
17 every day's continuance shall be a separate and
18 distinct violation. Every person who through an
19 act of commission or omission, procures, aids,
20 or abets in the violation shall be considered to
21 have violated the provisions of this section and
22 shall be subject to the penalty herein
23 provided....

24 (3) Any penalty imposed by this section shall become
25 due and payable thirty days after receipt of a
26 notice of imposing the same....Any penalty
27 resulting from a decision of the hearings board
shall become due and payable thirty days after
receipt of the notice setting forth the decision.
RCW 70.105.080

Issuance of Order requiring compliance

22 (1) Whenever on the basis of any information the
23 department determines that a person has violated
24 or is about to violate any provision of this
25 chapter, the department may issue an order
26 requiring compliance either immediately or
27 within a specified period of time....

(2) Any person who fails to take corrective action
as specified in a compliance order shall be

1 liable for a civil penalty...In addition the
2 department may suspend or revoke any permits
3 and/or certificates issued under the provisions
4 of this chapter to a person who fails to comply
5 with an order directed against him.

6 (3) Any order shall become final unless, no later
7 than thirty days after the order is served, the
8 person(s) named in the order shall request a
9 public hearing. The department shall promptly
10 conduct a public hearing to consider testimony
11 and new information regarding the order. The
12 department may, at its discretion, either modify
13 the order or maintain it unchanged....

14 (4) Any person directly affected by a compliance
15 order or by any decision of the department
16 regarding a compliance order may appeal the
17 order or decision to the pollution control
18 hearings board in accordance with chapter 43.21B
19 RCW. (Emphasis added.) RCW 70.105.095.

20 III

21 In circumstances such as these where there has been disagreement
22 over the "dangerous" characterization of this black dross and its
23 actual low-level designation, the temporary closure of the Mica
24 Sanitary Landfill, and the company's inactive state and depleted
25 resources, the level of civil penalty could be reduced without giving
26 offense to the import of the statute cited above. As much as
27 four-fifths of the penalty could be waived.

IV

Any Finding of Fact which deemed a Conclusion of Law is hereby
adopted as such.

From these Conclusions of Law the Board enters this

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

ORDER

Washington State Department of Ecology Order DE 85-135 is affirmed; provided, however, that \$8,000 is vacated and \$2,000 remains due and payable.

DONE this 14th day of August, 1985.

POLLUTION CONTROL HEARINGS BOARD

Gayle Rothrock
GAYLE ROTHROCK, Vice Chairman

Lawrence J. Faulk 8/13/85
LAWRENCE J. FAULK, Chairman

(Not available for signature)
WICK DUFFORD, Lawyer Member

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW & ORDER
PCHB No. 85-68

CERTIFICATE OF MAILING

I, Patricia Korosec, certify that on the 22nd day of August, 1985, I personally forwarded by United States mail, postage prepaid, a true and correct copy of the Petition for Reconsideration, and Department of Ecology's Memorandum in Support of Petition for Reconsideration, to the following person at the following address:

J.P. Lyon, President
Aluminum Recycling Corporation
P.O. Box 370
Veradale, WA 99037

Patricia Korosec
PATRICIA KOROSEC

CERTIFICATE OF MAILING

RECEIVED
AUG 21 1985

POLLUTION CONTROL
HEARINGS BOARD

ACCEPTANCE OF SERVICE

CLERK'S STAMP

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
ALUMINUM RECYCLING
CORPORATION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 85-68

PETITION FOR RECONSIDERATION

Comes now the respondent in this matter and petitions the Pollution Control Hearings Board for reconsideration of its Final Findings of Fact, Conclusions of Law and Order, mailed August 14, 1985. The respondent petitions the Board to modify said final Findings of Fact, Conclusions of Law and Order such that they include a finding that, based on the record in this matter, appellant Aluminum Recycling Corporation's black dross stored at its Veradale facility is "dangerous waste" according to the Department of Ecology's regulations, and to conclude that the

KENNETH O. EIKENBERRY, ATTORNEY GENERAL
Charles K. Douthwaite
Assistant Attorney General

Temple of Justice
Olympia, Wa. (206) 459-6155
98504 Telephone

1 \$10,000 civil penalty assessed by the Department of Ecology shall
2 be affirmed in its entirety. This petition is based on WAC
3 371-08-200.

4 Dated this 26 day of August, 1985.

5 Respectfully submitted,

6 KENNETH O. EIKENBERRY
7 Attorney General

8 *Charles K. Douthwaite*

9 CHARLES K. DOUTHWAITE
10 Assistant Attorney General
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PETITION FOR
RECONSIDERATION

-2-

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTONIN THE MATTER OF
ALUMINUM RECYCLING
CORPORATION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 85-68

DEPARTMENT OF ECOLOGY'S
MEMORANDUM IN SUPPORT OF
PETITION FOR RECONSIDERATION

The respondent Department of Ecology has filed a Petition for Reconsideration of the Board's Final Findings of Fact, Conclusions of Law and Order, mailed to the parties on August 14, 1985. Said petition for reconsideration was filed according to WAC 371-08-200. Said petition is timely if it is filed within eight days of mailing of the Board's final decision. The timely filing of the Department of Ecology's Petition for Reconsideration serves to suspend the Board's final decision until the petition is denied, or a modified decision is issued by the Board. This memorandum is submitted in support of the petition for reconsideration. The petition for reconsideration is filed to request that the Board reconsider its decision on two items.

KENNETH O. EIKENBERRY, ATTORNEY GENERAL
Charles K. Douthwaite
Assistant Attorney GeneralTemple of Justice
Olympia Wa. (206) 459-6155
98504 Telephone

I.

DANGEROUS WASTE

The Department of Ecology penalty appealed in this matter, "Notice of Penalty Incurred and Due" No. DE 85-135, was issued based on RCW 70.105.080 and 70.105.095. The Board's Conclusion of Law II cites both those sections of the law as authority for its decision. The Board's Findings of Fact, however, fail to clearly find that, based on the record in this matter, the "black dross" stored by Aluminum Recycling Corporation at its Veradale facility is properly designated "dangerous waste" according to the Department of Ecology's regulations.

The Board's Finding of Fact III recites that the Department of Ecology has taken the position that the "black dross" is dangerous waste. That finding does not indicate that the Board concurs in the Department of Ecology's position. The Board should find that, based on the record in this case, the "black dross" stored at Veradale by Aluminum Recycling Corporation is dangerous waste according to WAC 173-303-101. That section of the Department of Ecology's regulation refers to a "book designation procedure" which was explained by Mr. Jim Malm. Mr. Malm's testimony concerning the book designation procedure was not denied or contested directly by Aluminum Recycling Corporation. Mr. Malm's procedure, in fact, was presented to Aluminum Recycling Corporation in a letter in 1983. See, Exhibit R-3. Mr. Malm stated that

DOE'S MEMO IN
SUPPORT OF PETITION

1 he stands by his conclusion in that letter, and recently received
2 information confirming that conclusion.

3 Aluminum Recycling Corporation's only defense was based on
4 fish bioassay data. The Board should find that Aluminum Recycling
5 Corporation's defense, as it was based solely on two contradictory
6 results from tests of ARC's black dross for toxicity to fish, "does
7 not comply with the Department of Ecology's rules. Those specify
8 that solid waste may be designated dangerous waste based on bio-
9 assay data (WAC 173-303-101(5)) but refers to bioassay data obtained
10 from both static acute fish toxicity and oral rat toxicity tests.
11 See, WAC 173-303-110(3)(b). In addition, the Board should find
12 that the Aluminum Recycling Corporation agreed to the Department
13 of Ecology's characterization of its black dross as "dangerous
14 waste" by filing with the Department several signed, certified,
15 documents which include statements to that effect. See Exhibit R-11.
16 These documents, it should be noted, included a generator annual
17 waste report, dangerous waste permit forms, and a treatment,
18 storage, or disposal facility annual dangerous waste report.
19 These documents were received by the Department of Ecology in July
20 of 1984, whereas the fish bioassay test results relied upon by
21 Aluminum Recycling Corporation were available in November of 1983,
22 or at least six months before the admissions the company's admis-
23 sions were made.

24
25
26
27 DOE'S MEMO IN
SUPPORT OF PETITION

-3-

II.

AMOUNT OF PENALTY

The Department of Ecology assessed the penalty appealed in the amount of \$10,000. That amount of penalty was reviewed and agreed to by at least four levels of supervisors appearing in the chain of command after Mr. Malm, who recommended the penalty. Aluminum Recycling Corporation submitted a detailed request for mitigation of penalty. That request similarly was subjected to careful scrutiny by the Department of Ecology personnel involved. Both the initial penalty and the notice of disposition of the appellant's request for mitigation were signed by Department of Ecology's Assistant Director for Field Operations. The Department of Ecology, without question, carefully considered how much a civil penalty should be in order to encourage Aluminum Recycling Corporation to remedy its past law violations and to deter Aluminum Recycling Corporation from future violations.

The Board's order unconditionally vacates \$8,000 of the \$10,000 penalty assessed. The Board found that the Department of Ecology correctly alleged the facts underlying imposition of penalties. See Conclusion of Law II. These violations were not subject to serious, real, disagreement in the hearing. Aluminum Recycling Corporation's defense was not credible from the start. The Board properly rejected that defense. The Board's order to vacate \$8,000 of the civil penalty is not justified or defensible legally.

DOE'S MEMO IN
SUPPORT OF PETITION

-4-

1 The Board did not heed its own criteria for analyzing the
2 amount of civil penalties assessed by the Department of Ecology.
3 See, City of Centralia v. Department of Ecology, PCHB No. 84-287
4 (copy attached). Those criteria include ". . . the nature of the
5 violation; the prior behavior of the violator; and actions taken
6 after the violation to solve the problem." The Board gave no
7 indication that it accorded any weight to the Department of
8 Ecology's testimony that, in two prior instances, storage or
9 disposal of black dross over the Spokane aquifer has resulted in
10 serious ground water quality degradation in a sole source aquifer,
11 degradation which can only cost thousands of dollars to remedy.

12 The Board in this case apparently gave no weight to the prior
13 behavior of Aluminum Recycling Corporation, i.e., the company's
14 continued refusal to take real steps to secure its black dross
15 against escape into the ground water, or to remove that black
16 dross to a secure and readily available landfill at Mica. The
17 only actions in a real sense taken by the company were to remove
18 approximately 10 percent of black dross from its pile in early
19 1984 before removal was suspended. The Mica landfill was not
20 closed in the sense that Aluminum Recycling Corporation could
21 have removed its black dross to Mica for storage although
22 disposal, for a period, was unavailable. Aluminum Recycling
23 Corporation, in the face of its repeated agreements, never covered
24 more than, at best, 10 percent of its black dross pile with a
25 damaged, leaky, covering. Aluminum Recycling Corporation never
26

27 DOE'S MEMO IN
 SUPPORT OF PETITION

1 installed any sort of berm of ditch arrangement secure the
2 dross pile from stormwater runoff or runoff. The Board in this
3 case gave no apparent weight to Aluminum Recycling Corporation's
4 inability, or unwillingness to take any action to solve the prob-
5 lem after the violation. The problem, the unsecured storage of
6 black dross at Veradale, has not changed substantially from the
7 start of this dispute in early 1983.

8 The Board is giving Aluminum Recycling Corporation an
9 altogether flawed "signal," i.e., a violation with real potential
10 for causing ground water contamination in a sole source aquifer, a
11 problem which has not been remedied for over two years, and a
12 problem which has not been touched since the penalty was assessed,
13 can nonetheless be swept aside with a waiver of four-fifths of the
14 penalty assessed. Aluminum Recycling Corporation plans to reopen
15 and restart its activities at Veradale. The Board's "signal" is
16 that the company may resume its activities without complying with
17 the law and without serious repercussions.

18 The Pollution Control Hearings Board is an administrative
19 agency and therefore a creature of statute. The Board has only
20 those powers accorded to it expressly or which may be found by
21 implication. The statutes upon which the Department of Ecology
22 based its penalty, RCW 70.105.080 and RCW 70.105.095, contain no
23 express or implied authorization for the Hearings Board to waive
24 four-fifths of a penalty after finding that the Department of
25 Ecology established the facts underlying the violation. Compare,
26


27 DOE'S MEMO IN
SUPPORT OF PETITION

1 RCW 90.48.144, "[W]henver an appeal of any penalty incurred
2 hereunder is filed, the penalty shall become due and payable only
3 upon completion of law review proceedings and the issuance of a
4 final order confirming the penalty in full or in part. . ." The
5 statutes cited above are replete with references to the Department
6 of Ecology's ability to mitigate or reconsider the amount of a
7 penalty assessed but, tellingly, make no reference to the Board's
8 authority to do the same other than in an instance where the
9 Department of Ecology exceeded its authority.

10 The Department of Ecology thus petitions the Board to reconsider
11 its decision to suspend four-fifths of the penalty assessed in
12 this case.

13 Respectfully submitted,

14 KENNETH O. EIKENBERRY
15 Attorney General

16 
17 CHARLES K. DOUTHWAITE
18 Assistant Attorney General
19
20
21
22
23
24
25
26

27 DOE'S MEMO IN
SUPPORT OF PETITION

MEMORANDUM

CHECK
INFORMATION _____
FOR ACTION _____
PERMIT _____
OTHER _____

TO: Jim Malm
FROM: Andy Tom
SUBJECT: Aluminum Recycling Corporation
DATE: August 27, 1985

State of
Washington
Department
of Ecology



I've had a chance to review the letter transmitted by Mr. Lyon, discussing the temporary protection of their black cross pile.

The information is sketchy, and I feel it is insufficient to allow us to approve it. However, within the parameters of allowing them to operate at initial minimum cost and yet providing substantive protection from the elements, I feel that a more detailed plan can be developed and approved.

For the system to work will require periodic inspection by us at critical points in the construction. The work elements can be broken down into these phases:

1. Ditching around the pile and smoothing the top of pile to eliminate the more obvious protrusions.
2. Placing the waterproof tarp over the pile and securing it against the wind.
3. Monitoring and maintaining the protection system.

After each of the first two tasks are completed, we can inspect the site and the construction for acceptability. Only after we accept the work will they be able to proceed. We should indicate to the firm that we want to insure that if at any time the system fails, we will remove the pile or make changes to the protection system. The conditions of failure should be spelled out and would include: physical failure of the liner, failure on their part to not comply with their plan for start-up, etc.

We should be supplied quarterly information on the operation of the plant and on their on-going financial condition. Revenues generated and operating costs should be a part of the information supplied.

Some other comments I have include:

1. They do not indicate the type or thickness of liner to be used. PVC is unacceptable for long-term use. If they propose the short-term use of this product, they must specify the length of time before it will be replaced. If they use too thin a gauge of liner, we should require more than one layer be used and that the layers be bonded.
2. The top of the pile should be smoothed out by importing and placing sand to be used as subgrade for the liner.

AKST:adw

ECY 010-4

COMMITTEES
JUDICIARY
ENERGY & UTILITIES
GOVERNMENT OPERATIONS

Washington State
Olympia

August 22, 1985

Andrea Beatty Riniker
Director, Department of Ecology
Olympia, WA 98504-8711 PV-11

Dear Andrea:

Thank you for your response to my letters on the subject of Aluminum Recycling Corporation in Spokane. The hearing relative to the fine has been held and the fine was reduced from \$10,000 to \$2,000.

I have enclosed a letter to Mr. James Malm of DOE in which ARC proposes a compliance schedule that seems to satisfy the concerns of DOE and also provides a means by which this recycling company of 25, or so, employees can have a chance to survive.

Please consider the proposal.

Thank you for your cooperation.

Sincerely,

Bob McCaslin

Bob McCaslin
State Senator
Fourth District

attached was

*ARC's 8-19-85 14r
JDM*



cc: Jim Malin
ERO

STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

4224-6th Avenue SE, Building No. 2, Rowe Six, MS PY-21 • Lacey, Washington 98504-8921 • (206) 459-6327 • (SCAN) 585-6327

August 28, 1985

RECEIVED

SEP 4 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

J. P. Lyon, President
Aluminum Recycling Corp.
P.O. Box 1167
Kent, WA 98032-3167

Charles K. Douthwaite
Assistant Attorney General
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

Gentlemen:

Re: PCHB No. 85-68
Aluminum Recycling Corp. v. DOE

Pursuant to WAC 371-08-200, the Department of Ecology petitioned for reconsideration of the decision mailed to the parties on August 14, 1985. The enclosed amended decision is the Board's response to the petition. The prior opinion is withdrawn and the modified decision herein now becomes the final decision for the purposes of appeal as of the date of its mailing.

Sincerely,

Gayle Rothrock

Gayle Rothrock
Presiding Officer

GR:jlh
Enclosure
cc: Phillip Miller
Department of Ecology
Mail Stop: PV-11
Olympia, WA 98504

I certify that I mailed a copy of this document to the persons and addresses listed thereon, postage prepaid, in a receptacle for United States mail at Lacey, Washington on Aug 28 1985.

Paul A. Smith

Consent for Access to Property

Name: Aluminum Recycling Corp.
c/o Jack Lyon, President

Address: 2317 Sullivan Road
Spokane, WA 99216

Phone: (509) 926-1506

I hereby give my consent to officers, employees, contractors, and persons acting at the request of the Washington State Department of Ecology (WDOE) to enter and have access to my property located at the address below for the following purposes:

To remove "black dross" stored or accumulated by Aluminum Recycling Corporation at Aluminum Recycling Corporation's Veradale facility, address 2317 N. Sullivan Road, Spokane, Washington, 99216, to dispose of that black dross, off-site, and to conduct such soil and ground water sampling as Department of Ecology deems necessary to assess whether the storage of that black dross caused ground water contamination on the site. I understand that this consent for access to property does not constitute any form of release from liability.

Completion of all activities is to occur within twenty-four (24) months from the date indicated by the signature(s) on this form.

DATE

Signature



OFFICE OF THE
ATTORNEY GENERAL

August 30, 1985

RECEIVED

SEP 4 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Mr. Jeff Asay
Attorney at Law
Union Pacific Railroad
1515 S.W. 5th Ave.
Suite 400
Portland, OR 97201

Re: Aluminum Recycling Corporation-Veradale, Washington

Dear Mr. Asay:

Enclosed please find a copy of "Final Findings of Fact, Conclusions of Law and Order" produced by the Pollution Control Hearings Board of the State of Washington in PCHB No. 85-68, Aluminum Recycling Corporation v. Department of Ecology. Enclosed please find, in addition, a Petition for Reconsideration and Supporting Memorandum I prepared in response to the Pollution Control Hearings Board's original order, and a copy of "Amended Final Findings of Fact, Conclusions of Law and Order," issued in response to the petition. The amended order is final at this time. Either party may appeal said order to superior court by filing a request for review within 30 days.

You will note that, in amended Conclusion of Law II the Pollution Control Hearings Board concurs with the Department of Ecology's finding that the black dross stored at Veradale is dangerous waste. As such, the manner of storage is not now in compliance with Department of Ecology regulations, nor has the company complied with a Department of Ecology order, issued in 1983, regarding storage.

As we discussed yesterday, the Department of Ecology has funds, and contractors capable of removing black dross from the Aluminum Recycling Company facility at Veradale to a landfill for disposal. I do not know now whether Department of Ecology will have this work done. I gather that the company is attempting to cover the pile of material, and if that work is done, then there may be some basis for holding off. I am requesting, nonetheless, that Union Pacific Railroad provide permission to have Department of Ecology or its contractors enter the property at Veradale to remove the pile of black dross stored there. I am making this request through you in accord with your request. I have enclosed a Consent

for Access to Property form for signature. If the railroad has alternative procedures to use, then please advise. Otherwise, please have the consent form signed and returned to me. A copy is enclosed for your records.

I should advise you that, if the Department of Ecology is obliged to remove the black dross with its own contractor and its own funds, a claim may be made against Union Pacific Railroad and/or Aluminum Recycling Corporation to recover the costs incurred in that effort. This claim, if made, possibly could be based on the federal Comprehensive Environmental Compensation Response and Liability Act of 1980, 42 U.S.C. 9601 et seq., see, especially 42 U.S.C. 9607, and Washington statutes. See, RCW 70.105.060(4).

Thank you for your cooperation. I am sure we will be discussing this matter into the future.

Very truly yours,



Charles K. Douthwaite
Assistant Attorney General
(206)459-6155

CKD:sc

Enclosures

Amended 85-68
Petition 85-68
Final 85-68
Consent form

COPY

September 4, 1985

Aluminum Recycling Corporation
P. O. Box 1167
Kent, WA 98032-3167

Attention: Mr. Jack Lyon, President

Dear Mr. Lyon:

I am writing in response to your August 19, 1985, letter regarding black dross storage at your Sullivan Road facility. We have reviewed your proposal and schedule and have the following comments:

1. The information regarding protection of the pile that you provided is not sufficient to meet the requirements of our Order, Docket No. 83-380. Temporary protection of the pile was envisioned as only a very short term proposition in 1983, i.e., less than six months. What you have proposed in your letter affords incomplete protection of the pile from precipitation events for too long a time period and is not acceptable.
2. It is your responsibility to insure that your operation does not degrade the Spokane aquifer. Therefore, in order to allow you to comply with Order, Docket No. 83-380, we are proposing the following:
 - a. As a part of your refinancing arrangements, you shall include provisions for designing, installing, and maintaining a properly engineered waterproof covering for the pile. You shall notify the department by December 31, 1985, as to whether or not your financing arrangements have been successful. If successful, engineering plans shall be submitted no later than March 1, 1986, and construction shall begin not later than May 1, 1986; the cover shall be installed as early as possible in the 1986 construction season but no later than July 31, 1986.
 - b. In the event that you cannot obtain financing that will allow the accomplishment of the items in a., above, or have the waste removed to the Mica landfill by July 31, 1986, then the department or the property owner will remove the pile. We will not negotiate any extension of the July 31, 1986, deadline. We will need the rest of the 1986 construction season to remove the pile if you will not do that.

Mr. Jack Lyon
September 4, 1985
Page 2

Your written response regarding this matter is requested no later than September 13, 1985. If this proposal is acceptable, we would propose entering into a formal agreement with you covering these items and schedules along with your commitments to haul all newly generated dross to Mica following plant start up. We would propose that the Department of Ecology's attorney draft such an agreement. If this is not acceptable, we will initiate actions to remove the pile as soon as possible. We are available to discuss the above proposal at your convenience in our office if you desire. Please contact me if you have questions regarding this matter.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:aal

CERTIFIED MAIL

cc: Marc A. Horton, Assistant Director
Charles Douthwaite, Assistant Attorney General

145
99205-1/15

LAW OFFICES

ESPOSITO, BROWN, TOMBARI & GEORGE

A PROFESSIONAL SERVICE CORPORATION

THOMAS H. BROWN
JOHN W. CAMPBELL
NANCY L. DYKES
JOSEPH A. ESPOSITO
RICHARD M. GEORGE
MARY E. OWEN
WILLIAM A. TOMBARI JR.

960 PAULSEN BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-9219

SEP 13 1985

September 11, 1985

State of Washington
Department of Ecology
N. 4601 Monroe
Suite 100
Spokane, WA 99205-1295

Attn: James L. Malm
Environmental Quality Division

Re: Aluminum Recycling Corporation

Dear Mr. Malm:

This letter will serve as Aluminum Recycling Corporation's written response to your letter of September 4, 1985. I believe the substance of our telephone conversation on September 10, 1985 will allow the Department of Ecology to understand Aluminum Recycling Corporation's position with respect to the provisions it is making for installing and maintaining a properly engineered waterproof covering for the dross pile, or in the alternative, removing the dross pile to the Mica Landfill.

Your office will provide me with a list of the manufacturers of polyethylene waterproofing material. Once we obtain that information, Mr. Jack Lyon of Aluminum Recycling Corporation will make appropriate inquiry of those manufacturers concerning the cost to cover the pile. At the same time, he will obtain estimates for removal of the pile to the Mica Landfill. If suitable financing is obtained and Aluminum Recycling Corporation determines that it is cost effective to cover the pile, Aluminum Recycling Corporation is prepared to comply with your deadlines set out in your letter of September 4, 1985.

I believe that any specifics concerning the designing, installing, and maintaining of the waterproof covering were discussed in our telephone conversation.

I expect we will have the opportunity to discuss this matter with you in the future.

Yours very truly,

ESPOSITO, BROWN, TOMBARI
& GEORGE, P.S.

JOSEPH A. ESPOSITO

JAE:jm

Bill Lotter

Union Pacific R.R.

(402) 271-5540

Re: Aluminum Recycling

Have we gotten response
to letter regarding
cover / Installed letter
9-18-85 *AL*

Jim Malm



OFFICE OF THE
ATTORNEY GENERAL

October 31, 1985

RECEIVED

NOV 4 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Clerk
United States Bankruptcy Court
Eastern District of Washington
West 904 Riverside
Spokane, WA 99210

Re: Petition of Aluminum Recycling Corporation
No. 85-01897-114

Dear Sir or Madame:

I am an assistant attorney general assigned to represent the State of Washington's Department of Ecology. The Department of Ecology may be filing a claim in this action as an unsecured creditor. Please add my name to the master list in this matter as I have an interest in receiving a copy of all correspondence relating to this case from this point further. Please direct copies of correspondence to the address below.

Thank you for cooperation.

Very truly yours,

Charles K. Douthwaite

Charles K. Douthwaite
Assistant Attorney General
(206) 459-6155

CKD:sc

cc: Joseph A. Esposito
Attorney for Petitioner
Suite 300, N. 211 Wall Street
Spokane, WA 99201

Jim Malm, ERO, Ecology

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
ALUMINUM RECYCLING CORPORATION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 85-68

AMENDED FINAL FINDINGS
OF FACT, CONCLUSIONS OF
LAW AND ORDER

This matter, the appeal of an order imposing a \$10,000 civil penalty for failure to complete terms of a 1983 regulatory order, came on for formal hearing before the Pollution Control Hearings Board; Lawrence J. Faulk, Wick Dufford, and Gayle Rothrock (presiding) at Spokane, Washington, on July 30, 1985, and at Lacey, Washington, on August 6, 1985. Ken Wittstock of Spokane and Donna K. Woods of Tacoma officially reported the proceedings. A visit was made of the Veradale, Washington ARC site.

Appellant company was represented by its president, Jack Lyon.

1 Respondent Washington State Department of Ecology was represented by
2 Charles K. Douthwaite, Assistant Attorney General.

3 Witnesses were sworn and testified. Exhibits were admitted and
4 examined. Argument was heard. From the testimony, evidence, and
5 contentions of the parties, the Board makes these

6 FINDINGS OF FACT

7 I

8 Aluminum Recycling Corporation (ARC) operated a secondary aluminum
9 smelter which recycled beverage cans and aluminum furnace skimmings
10 into aluminum ingots at a leased site near the rolling mill of Kaiser
11 Aluminum Corporation near Veradale on Sullivan Road. ARC's smelter
12 commenced operation there during mid-1982 and closed down in
13 September, 1984, at least in part due to an economic downturn in
14 domestic aluminum markets, a downturn which persists.

15 II

16 In November 1982 the vice president of ARC contacted WDOE's
17 Eastern Regional Office to discuss a plan to reprocess black dross,
18 dark grey-to-black tailings from the smelting process. In December a
19 WDOE official requested that all leachable material, including black
20 dross, be stored in a manner that prevents soluble salts from entering
21 the soil and groundwater. Reports on the typical content of black
22 dross indicate it contains approximately 50 percent salts, including
23 sodium chloride and potassium chloride. Some pure aluminum and
24 aluminum oxides are also in dross.

25
26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

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III

In February 1983 the same WDOE official, who evaluates and monitors hazardous waste storage and disposal practices of many companies in northeastern Washington, wrote ARC informing them that ARC's black dross because of its salt content is a dangerous waste on the basis of a formula provided under WDOE regulations. Such types of regulation-referenced categorizations are called in the vernacular, "book designation."

WDOE regulations are based on concentrations of suspect constituents of by-products or compounds. Percentage and weight figure into the calculations. U. S. Environmental Protection Agency and U. S. Occupational Health and Safety Administration source documents are consulted. Arc's black dross was identified as a dangerous waste, in toxicity category D.

IV

In the summer of 1983 samples of ARC black dross were collected for the purposes of a fish bioassay. Some were denominated "aged black dross," other "fresh black dross." In the fall WDOE reported the results. There were no mortalities of fish from exposure to "aged black dross" in water. Fish mortality was 100 percent at 1,000 ppm of "fresh black dross" in water. There was no evidence explaining the difference between "aged" and "fresh" black dross.

WDOE's position is that the fish bioassay, whatever it may mean, does not render its "book designation" of the ARC black dross as dangerous incorrect. The "book designation" result stems from oral

AMENDED FINAL FINDINGS
OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 rat bioassay work done with chemical constituents and concentrations
2 like those found in the ARC black dross.

3 V

4 Early on, in the course of interacting with regulatory
5 authorities, ARC discovered that being in the modern recycling
6 business was not enough to set aside compliance with each of the
7 environmental laws of the state. The corporation's then vice
8 president filed a "Notification of Dangerous Waste Activities" form
9 with WDOE in December of 1982 indicating ARC was a generator, treater,
10 and storer of salty dangerous waste. Numerous discussions followed.

11 VI

12 WDOE was apparently under the impression ARC agreed in February
13 1983 to a program of covering dross stockpiles, constructing diversion
14 ditches around such stockpiles and initiating a salt recovery process
15 which would reprocess all accumulated material during the summer. By
16 early August the only thing ARC had done was purchase covering for the
17 stockpiled dross.

18 Feeling the need to formalize their arrangements and agreements
19 for compliance, WDOE issued Regulatory Order DE 83-380 on August 15,
20 1983, calling for protection of a limited amount of covered black
21 dross (1,000 tons) in interim storage and removal of all dross in
22 excess of that amount to the Mica Sanitary Landfill by September 30,
23 1983.

24 VII

25 ARC did not appeal the terms of this order to this Board. Indeed,

26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 shortly after the order was issued, the company suffered a kind of
2 paralysis owing to the severe illness of the vice president with whom
3 DOE had been dealing and who was in charge of the company's day-to-day
4 operations.

5 At the same time economic problems were besetting the company
6 owing to depressed conditions in the aluminum market.

7 VIII

8 In February 1984, WDOE informed ARC it was referring enforcement
9 of DE 83-380 to the Attorney General's Office. By this time a new
10 vice president had been brought in to operate the company. He had to
11 be familiarized with the black dross problem from WDOE's perspective.
12 Discussions, meetings and correspondence culminated in a letter to ARC
13 in June 1984 from the agency's legal counsel, contemplating a new
14 order with new compliance times. The letter further discussed seeking
15 an exemption of the ARC black dross as a dangerous waste.

16 No new order with new compliance times was ever issued. The
17 exemption was apparently never pursued and ruled upon.

18 IX

19 The legislature adopted a provision temporarily banning the
20 off-site disposal of dangerous waste commencing June 7, 1984.
21 Accordingly, WDOE advised ARC to cease disposing of dross at the Mica
22 Landfill thereafter. However, in February, March, April and May of
23 1984, black dross was removed from the pile at the ARC plant and
24 transferred to the Mica Landfill. During this period more dross was
25 hauled off site than was generated. An attempt was made to cover part

26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 of the pile remaining.

2 In September 1984, the new vice president resigned and the company
3 ceased operations at the Veradale site altogether. Shortly before he
4 left, this vice president acceded to the urgings of WDOE and applied
5 for a permit as a generator and storer of dangerous waste.

6 X

7 In October and November 1984, WDOE's inspector visited ARC's
8 moribund plant site. This inspection revealed that the dross pile was
9 still largely intact; the covering was only partial and badly torn; no
10 berms or ditches had been constructed. This was communicated to Jack
11 Lyon, the company's president who, by that time, had assumed the
12 active management of the enterprise. Another site inspection occurred
13 early in January 1985. Only a portion of the dross pile was covered.

14 XI

15 Mica Landfill became available again for disposal of dangerous
16 waste in May of 1985. This fact was unknown to ARC until the hearing
17 in this case.

18 XII

19 The black dross pile at ARC's plant is located on the land surface
20 above the Spokane aquifer, a major source of municipal and domestic
21 drinking water. However, no evidence was presented that any salts
22 have in fact leached from ARC's dross pile into the soil or into the
23 ground water. ARC's president asserts that the waste material becomes
24 impervious to weather very shortly after it cools because oxides form
25 a hard covering, coating the soluble materials. WDOE's inspector had

26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 no information about this.

2 We observe that Category D denotes the least toxic of the
3 categories of toxicity under DOE's rules. Further, we note that black
4 dross of similar chemistry from another location has been analyzed by
5 WDOE without any subsequent designation by it as a dangerous waste.

6 XIII

7 On February 6, 1985, WDOE issued a civil penalty, Order Number DE
8 85-135 in the amount of \$10,000. Appellant applied for relief from
9 the penalty immediately. On April 4, 1985, the WDOE denied the
10 application for relief. From this appellant ARC, by its president
11 Jack Lyon, appealed to the Board for relief from the penalty and
12 declassification of black dross as a dangerous waste on May 1, 1985.

13 XIV

14 Any Conclusion of Law which is deemed a Finding of Fact is hereby
15 adopted as such.

16 From these Findings the Board comes to these

17 CONCLUSIONS OF LAW

18 I

19 The Board has jurisdiction over these persons and these matters.
20 Chapters 43.21B, 90.48 and 70.105 RCW.

21 II

22 DOE has asked this Board to find that ARC black dross was properly
23 designated a "dangerous waste." By this request the agency has
24 receded from its position that the validity of the Order, DE 83-380,
25 is not a proper subject for this proceeding.

26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 Absent a contest concerning our authority to look behind the face
2 of the order, we have addressed the waste characterization here and
3 decide that the chemical analysis appropriately leads to the
4 designation made in this case pursuant to WAC 173-301-101.

5 III

6 Under terms of chapter 70.105.095 RCW, penalties may be levied for
7 failure to comply with a dangerous waste management compliance order.
8 ARC did not comply with DE 83-380 and various requests by WDOE.

9 Issuance of Order requiring compliance

- 10 (1) Whenever on the basis of any information the
11 department determines that a person has violated
12 or is about to violate any provision of this
13 chapter, the department may issue an order
14 requiring compliance either immediately or
15 within a specified period of time....
- 16 (2) Any person who fails to take corrective action
17 as specified in a compliance order shall be
18 liable for a civil penalty...In addition the
19 department may suspend or revoke any permits
20 and/or certificates issued under the provisions
21 of this chapter to a person who fails to comply
22 with an order directed against him.
- 23 (3) Any order shall become final unless, no later
24 than thirty days after the order is served, the
25 person(s) named in the order shall request a
26 public hearing. The department shall promptly
27 conduct a public hearing to consider testimony
and new information regarding the order. The
department may, at its discretion, either modify
the order or maintain it unchanged....
- (4) Any person directly affected by a compliance
order or by any decision of the department
regarding a compliance order may appeal the
order or decision to the pollution control
hearings board in accordance with chapter 43.21B
RCW. (Emphasis added.) RCW 70.105.095.

IV

In the instant case, the specified offense is a failure to comply

1 with an order dealing with storing a dangerous waste in a safe
2 manner. Over two years have been spent trying to resolve this problem.

3 However, no harm to ground water resources or to human health and
4 safety have been shown. Further, even the threat of such harm has not
5 been shown to be severe.

6 This company has no prior record of violating the hazardous waste
7 laws and has made significant, if fitful, efforts to comply with
8 WDOE's requirements in the instant case. An influential factor in
9 this regard is the temporary closure of the Mica Landfill to disposal
10 of dangerous waste.

11 Much of the history of this matter can be explained by the
12 management turnovers and financial reverses suffered by the company.
13 While such explanation cannot excuse the failure to comply with a
14 strict liability statute, it can be considered in determining the
15 appropriateness of a particular penalty. The purpose of the civil
16 penalty provisions is not primarily to punish but to secure compliance.

17 Under all the circumstances of this case, including the company's
18 present strained circumstances, we conclude that the objective of
19 changing behavior will be adequately served by reduction of the
20 penalty as set forth below.

21 v

22 The discretionary civil penalty power delegated to the
23 administrative arena by the legislature depends for its legitimacy
24 substantially on the existence of adequate procedural safeguards. See
25 Yakima Clean Air Authority v. Glascam Builders, 85 Wn.2d 255, 534 P.2d

26 AMENDED FINAL FINDINGS
27 OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1 33 (1975). We conclude that the statutory scheme here which gives the
2 agency the power to assess penalties of "not more than ten thousand
3 dollars per day" implicitly grants power to this Board to review the
4 amount of penalty imposed in any instance:

5 Any penalty imposed...shall be subject to review by
6 the pollution control hearings board.... RCW
7 70.105.080.

8 VI

9 Any Finding of Fact which deemed a Conclusion of Law is hereby
10 adopted as such.

11 From these Conclusions of Law the Board enters this
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AMENDED FINAL FINDINGS
OF FACT, CONCLUSIONS
OF LAW & ORDER
PCHB No. 85-68

1
2 Washington State
3 affirmed; provided, however,
4 due and payable.

5 DONE this 28th day of August, 1985

6
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POLLER

Gayle Rothrock
GAYLE ROTHROCK, Clerk

Wick Dufford
WICK DUFFORD, Lawyer Member

Lawrence J. Faulk 8/28/85
LAWRENCE J. FAULK, Chairman

A.B.C. LABORATORIES, INC.
EAST 4922 UNION AVE.
SPOKANE, WA 99212

RECEIVED

OCT 12 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

REPORT TO: Department of Ecology
N. 4601 Monroe, Suite 100
Spokane, WA 99205
Attn: Jim Malm

DESCRIPTION: Perform tests as directed on submitted
sample.

LAB. NO. 0873-85

DATE: Oct. 10, 1985

*Aluminum Recycling Corp. Well
Sullivan Rd.
Sampled 10-3-85 J2m*

TESTS

RESULTS

Chloride, Cl, mg/l	2.8
Conductivity, micromhos/cm	250
Sodium, Na, mg/l	3.7
Potassium, K, mg/l	3.6

Respectfully submitted
A.B.C. LABORATORIES, INC.

W.E. Burkhardt
W.E. Burkhardt
Manager



OFFICE OF THE
ATTORNEY GENERAL

October 31, 1985

Jim Malm
RECEIVED

NOV 4 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Mr. P. Lyon, President
Aluminum Recycling Corporation
P.O. Box 1167
Kent, WA 98032-3167

Re: Aluminum Recycling Corporation v. Department of Ecology, PCHB 85-68

Dear Mr. Lyon:

As you know, the Pollution Control Hearings Board affirmed the penalty issued by the Department of Ecology to Aluminum Recycling Corporation but reduced the amount immediately payable to \$2,000. The PCHB's final order, as modified, was mailed August 28, 1985. According to the state's Administrative Procedure Act, you were entitled to 30 days to appeal that decision to the Superior Court. No such appeal was taken. According to RCW 70.105.080(4), the Attorney General's Office shall bring an action in superior court to recover the amount of a penalty when it is due and payable.

Please be advised, unless payment of \$2,000 is made within five days, an action will be filed to collect that amount of the penalty issued by the Department of Ecology to Aluminum Recycling Corporation.

Very truly yours,

Charles K. Douthwaite

Charles K. Douthwaite
Assistant Attorney General
(206) 459-6155

CKD:sc

cc: Jim Malm, ERO, Ecology

Jim Malm



OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

NOV 4 1985

October 31, 1985

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

Mr. Joseph A. Esposito
Attorney at Law
Suite 300, N. 211 Wall Street
Spokane, Washington 99201

Re: Petition of Aluminum Recycling Corporation,
United States Bankruptcy Court,
Eastern District of Washington No. 85-01897-114

Dear Mr. Esposito:

I am an assistant attorney general assigned to represent the State of Washington's Department of Ecology. The Department of Ecology has an interest in this matter and may be required to file a claim.

Please direct to me a copy of all pleadings and other matters filed with the clerk of the court in this case to date, and please direct a copy of any pleadings or other matters filed with the court, and any correspondence of general information, to me at the address below.

Thank you for your cooperation.

Very truly yours,

Charles K. Douthwaite

CHARLES K. DOUTHWAITE
Assistant Attorney General
(206) 459-6155

CKD:bj

cc: Jim Malm, ERO, Ecology

State of Washington
Department of Ecology
Eastern Regional Office

TIME: 0920

SUMMARY OF CALL:

B.11 Letter

Real Estate Agent, UPRR

Omahe, NB

402-271-5590

Jim Malm

Five

I called Bill to determine if he had heard any more information from ARC. He said he had not and would inform me if any further action on the problem occurred.

FILE

January 10, 1986

Mr. Jack Lyon
Aluminum Recycling Corporation
P. O. Box 1167
Kent, WA 98032-3167

Dear Mr. Lyon:

I am writing in regard to your success in obtaining further financing for your operation on Sullivan Road. In my September 4, 1985, letter regarding the matter, I proposed in ¶2a. that you notify the department as to whether or not you had been successful in obtaining further financing by December 31, 1985. The September 11, 1985, reply from your attorney, Joseph A. Esposito, indicated that Aluminum Recycling Corporation was prepared to comply with our September 4, 1985, proposals depending on financing arrangements.

Since I have not received any information from you regarding the status of your financing arrangements, I am requesting that you notify me in writing as to whether or not you have been able to obtain the financing you required. Your reply regarding this matter is requested by January 31, 1986.

Sincerely,

James L. Malm
Environmental Quality Division

JLM:adw

CERTIFIED MAIL

cc: Marc A. Horton, Deputy Director
Jeff Goltz, Assistant Attorney General

LAW OFFICES

ESPOSITO, BROWN, TOMBARI & GEORGE

A PROFESSIONAL SERVICE CORPORATION

960 PAULSEN BUILDING
SPOKANE, WASHINGTON 99201
(509) 624-9219

THOMAS H. BROWN
JOHN W. CAMPBELL
NANCY L. DYKES
JOSEPH A. ESPOSITO
RICHARD M. GEORGE
MARY E. OWEN
WILLIAM A. TOMBARI, JR.

JAN 17 1986

CLERK OF COURT
SPOKANE DISTRICT COURT

January 16, 1986

Mr. James Malm
Environmental Quality Division
Department of Ecology
N. 4601 Monroe
Suite 100
Spokane, WA 99205

Re: Aluminum Recycling Corporation

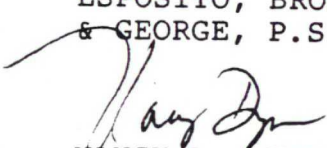
Dear Mr. Malm:

I am responding to your letter to Jack Lyon of January 10, 1986. At this time, Aluminum Recycling Corporation is awaiting a decision by the Bankruptcy Judge to allow Aluminum Recycling Corporation to liquidate certain assets of the company so that it has funds to begin complying with the Department of Ecology requirement that the black dross be removed from the Trentwood location. A number of creditors, including the Creditor's Committee and Imperial West, has objected to the use of the funds to begin that process. There is a hearing scheduled for next week before Judge Klobucher to determine that issue. Depending on the outcome of that hearing, Aluminum Recycling Corporation is prepared to comply with your September 4, 1985 proposal.

At this time, I must inform you, that the necessary financing has not been obtained. However, the company continues to work with great diligence toward ensuring that the necessary financial arrangements are worked out. We will continue to keep you advised as matters progress.

Sincerely yours,

ESPOSITO, BROWN, TOMBARI
& GEORGE, P.S.


NANCY L. DYKES

NLD:jm
cc: Jack Lyon

MAR 27 1986

DEPT. OF COMMERCE
SPECIAL REGIONAL

UNITED STATES BANKRUPTCY COURT
IN AND FOR THE EASTERN DISTRICT OF WASHINGTON

In Re:) NO. 85-01897-114
ALUMINUM RECYCLING CORPORATION,)
Debtor.) UNSECURED CREDITORS COMMITTEE'S
MOTION FOR INVOLUNTARY CONVERSION
TO CHAPTER 7 PURSUANT TO 11 U.S.C.
SECTION 1112(b)

TO: Aluminum Recycling Corporation, and your attorney, Joseph A. Esposito.

COMES NOW the Unsecured Creditors' Committee, representing the Class of Unsecured Creditors in the above-referenced action, by and through its attorneys of record, VAN CAMP, BENNION, P.S. & KELLEHER, and respectfully moves this Court for an Order involuntarily converting the Debtor's Chapter 11 Reorganization to a Chapter 7 Bankruptcy, pursuant to 11 U.S.C. Section 1112(b). This Motion is based upon the following facts and allegations:

(1) The Debtor's Petition for Chapter 11 Reorganization was originally filed on September 11, 1985. Although more than 180 days have elapsed, no Proposed Plan of Reorganization has been submitted by the Debtor to the Class of Unsecured Creditors for their review. No Disclosure Statement concerning the current assets and liabilities of the corporation has been provided by either the Debtor or its attorney of record to the Class of Unsecured Creditors in this action.

(2) Pursuant to the Notice of Debtor-In-Possession's Intent to Sell Property Free and Clear of Liens, which was filed by the Debtor's attorney with the United States Bankruptcy Court for the Eastern District of Washington on or about March 13, 1986, it is clearly the Debtor's intention to sell off large quantities of estate assets. A copy of the



1 forementioned Notice is attached hereto and by reference made a part
2 hereof.

3 (3) During a hearing before the United States Bankruptcy Court
4 for the Eastern District of Washington on or about March 20, 1986, upon a
5 Motion by Creditor Imperial West Chemical Company for extinguishment of an
6 unexpired lease for an industrial rotary salt bath aluminum smelting
7 furnace held by the Debtor, and for return of said smelting device to
8 Imperial West Chemical Company, counsel for the Defendant represented to
9 the court that the Debtor would stipulate to Rejection of said unexpired
10 lease, and would further relinquish any and all claims which Debtor may
11 have made to any form of ownership in said smelting furnace. Possession
12 and use of such a smelting device would be essential to the continued
13 operation of ALUMINUM RECYCLING CORPORATION.
14

15 (4) That despite the existence of a Petition for Reorganization
16 in the United States Bankruptcy Court for the Eastern District of
17 Washington, pursuant to the above-entitled cause number, on or about
18 February 21, 1986, counsel for Debtor stipulated to a Judgment taken by
19 Creditor Spokane International Railroad Company, which was filed under
20 cause number 86-2-00104-7 in the Superior Court of the State of Washington,
21 in and for the County of Spokane, for restitution of the business premises
22 owned by Spokane International Railroad Company and utilized by the Debtor,
23 ALUMINUM RECYCLING CORPORATION, for the operation of its business.
24

25 (5) ALUMINUM RECYCLING CORPORATION has not actively operated its
26 recycling business since some point in the year 1984. Testimony concerning
27 the Debtor's lack of proper care for business equipment, and the ongoing
28
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waste and depreciation of said equipment, was recorded by this Court during the aforementioned hearing of March 20, 1986.

(6) From the abovementioned facts, it is clear to the Unsecured Committee that the Debtor has no intention of continuing business operations, nor effectuating an effective Plan of Reorganization in these proceedings. In addition, in that the Debtor has voluntarily relinquished control over its business premises and business equipment vital to continuing operations, it is further apparent that the Debtor now no longer has the ability to continue business operations under any Proposed Plan of Reorganization.

(7) 11 U.S.C. Section 1112(b) states that:

"Except as provided in § c of this section, on request of a party in interest, and after notice and a hearing, the Court may convert a case under this Chapter to a case under Chapter 7 of this Title, or may dismiss a case under this Chapter, whichever is in the best interest of creditors and the estate, for cause, including:

(1) continuing loss to or diminution of the estate and absence of a reasonable likelihood of rehabilitation;

(2) inability to effectuate a Plan;

(3) unreasonable delay by the Debtor that is prejudicial to the Creditors;

....."

In addition, (c) of the same statute states:

"The Court may not convert a case under this Chapter to a case under Chapter 7 of this Title if the debtor is a farmer of a corporation that is not a monied, business, or commercial corporation, unless the Debtor request such conversion."

The aforementioned statute provides this court with authority to

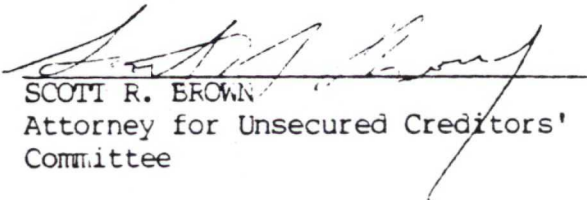


1 convert the Debtor's Chapter 11 Reorganization to a Chapter 7 Bankruptcy.
2 The Unsecured Creditors' Committee feels that conversion to a Chapter 7
3 would be in the best interests of the Class of Unsecured Creditors named in
4 the Debtor's Chapter 11 Petition for Reorganization.
5

6 It is hereby requested that a hearing be scheduled before this
7 Court to entertain this Motion for Involuntary Conversion brought by the
8 Unsecured Creditors' Committee.
9

10 DATED this 25th day of March, 1986.

11 VAN CAMP, BENNION, P.S. & KELLEHER
12

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14 
15 SCOTT R. BROWN
16 Attorney for Unsecured Creditors'
17 Committee
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WHEA BEATTY RINKER
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4350 - 15th Ave. NE • Redmond, Washington 98052-5301 • (206) 887-1986

RECEIVED
APR 28 1986

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

April 24, 1986

Mr. Wally Swofford, Coordinator
Toxic/Hazardous Materials Program
Seattle/King County Health Dept.
Division of Environmental Health
400 Yesler Building, M/S 15-L
Seattle, Washington 98104

Black Dross Generated at the Maralco Aluminum
Recycling Company Facility in Kent, Washington

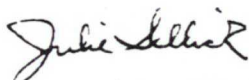
Dear Mr. Swofford:

In a letter to you dated February 25, 1986, Mr. J.P. Lyon requested clearance for disposal of the black dross generated at his Maralco Aluminum Recycling Company Facility in Kent. The clearance requested was for disposal of the dross as solid waste at one of the King County solid waste landfills. We cannot approve Mr. Lyon's disposal request because the dross qualifies as a State-designated Toxic Dangerous Waste (WT02) based on rat bioassay data (for sodium and potassium chloride salts) documented in the National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances". Unless and until Mr. Lyon satisfies the requirements under section -910 of the State's Dangerous Waste Regulations (WAC 173-303) for delisting or exempting wastes from designation, we will assume that the dross qualifies as a State-regulated dangerous waste. The only dangerous waste disposal sites in the northwest approved to manage such wastes are the Chem Security Systems Inc. facility near Arlington, Oregon, and the Envirosafe Services of Idaho, Inc. facility near Grandview Idaho.

Mr. Wally Swofford
April 24, 1986
Page 2

Please do not hesitate to contact this office if you have questions regarding this letter.

Sincerely,



Julie Sellick
Hazardous Waste Inspector
/Specialist
Environmental Quality

JS:gm

cc: Norm Peck, Ecology NWRO
Tom Cook, Ecology Headquarters
J.P. Lyon, Maralco Aluminum Recycling Company
James Malm, Ecology Eastern Regional Office

Jim Malm



Jim

RECEIVED

JUN 26 1986

OFFICE OF THE
ATTORNEY GENERAL

DEPARTMENT OF ECOLOGY
SPOKANE REGIONAL OFFICE

June 23, 1986

Theodore S. McGregor
Clerk of the Court
United States Bankruptcy Court
West 904 Riverside
Spokane, Washington 99210

Re: In re Aluminum Recycling Corporation
No. 85-01897-114

Dear Sir:

Enclosed is a Proof of Claim for filing in the above case. I am now the assistant attorney general assigned to represent the State of Washington's Department of Ecology in the above case. Please add my name to the master list in this matter as I have an interest in receiving a copy of all correspondence relating to this case. Please direct correspondence to the address below.

Thank you for your cooperation.

Very truly yours,

V. LEE OKARMA REES
Assistant Attorney General
(206) 459-6155

VLOR:bj

cc: Joseph A. Esposito
Attorney for Petitioner
Suite 300, North 211 Wall Street
Spokane, WA 99201

Jim Malm, ERO, Ecology

172

TELEPHONE USE REPORT

DATE: 8/22/86

TIME: 10:25

SUBJECT:

UPRR (A.P. 1) Black Hawk case

CALL FROM: 17

TO: IXI Laura Briggs (SCBA)

TELEPHONE NO.: 452-1111

CALL REC'D/

MADE BY: UPRR (A.P. 1)

ROUTING

Jim Jam

SUMMARY OF CALL:

Informal review of Black Hawk at 452
UPRR (A.P. 1) - 10.7.86 estimate by
UPRR (A.P. 1) - 10.7.86 estimate by
UPRR (A.P. 1) - 10.7.86 estimate by
UPRR (A.P. 1) - 10.7.86 estimate by

Informal review
(Signature)

TELEPHONE USE REPORT

DATE: 8/6/86

TIME: 2:45pm

ROUTING

SUBJECT:

ARC - Alameda County, CA - Hazardous Waste

CALL FROM:

Alameda County (Bob) + Harvey DeFrieson

TITLE:

UPRR

LOCATION AND

TELEPHONE NUMBER:

Contra Costa (415) 271-1278

CALL TO:

Deborah M. Corbett

TITLE:

Environmentalist I

LOCATION AND

TELEPHONE NUMBER:

Spokane (509) 466-2126

SUMMARY OF CALL:

Harvey DeFrieson requested use of ARC's generator ID number from EPA. Also, Bob Alameda County - RCRA - listed Block class - not listed as a hazardous waste but it is for no permits are necessary. Also it is not to become responsible for filling as generators. Asked if Alameda landfill was a designated HCL facility.

I told them Block class was listed as Hazardous waste under state regulations. However, I could check with them. I will get back to them about the possibility of using ARC's EPA ID#. Also will find out if M... is TSD.

Deborah M. Corbett
(Signature)

MEMO TO FILE 7/29/86

Union Pacific R.R. wants to use A.R.C. EPA ID number.
Okayed because A.R.C. is responsible for creation of file,
and as owner of property, UPRR is still liable. They are
still questioning status of black cross as a state-only listed
hazard.

Designated state cargo as NOS-NA9189 (Aluminum blade cross) for transport,
Circle 11 transportation. Deborah Cornett

TELEPHONE USE REPORT

DATE: 8/27/52

TIME: MORNING

SUBJECT: ARA Elad Cross

CALL FROM: 17 Bell 116-0000-0000 CUPRR

TO: 11

TELEPHONE NO.:

CALL REC'D/

MADE BY:

ROUTING

Jim [Signature]

SUMMARY OF CALL:

Given that the length of the edge is 5 cm, the area of the square is $5 \times 5 = 25$ cm².
 The perimeter of the square is $4 \times 5 = 20$ cm.

Debrah L. Witt
(Signature)

(Signature)

ANDREA BEATTY RINKER
Director



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

N. 4601 Monroe Suite 100 • Spokane Washington 99205-1295 • (509) 456-2926

September 15, 1986

Robert Markworth
Plant Facility Engineer
Union Pacific Railroad
Omaha, Nebraska 68179

Re: Removal of Black Dross at Aluminum Recycling Company

Dear Mr. Markworth:

We have observed that the Circle M Construction Company has removed the pile of black dross at the A.R.C. site. We do not anticipate any further action at this time. Thank you for your cooperation.

Sincerely,

Deborah Cornett
Hazardous Waste Division

DC:mn

cc: W. L. Loffer
Michael Spencer

117

A
N

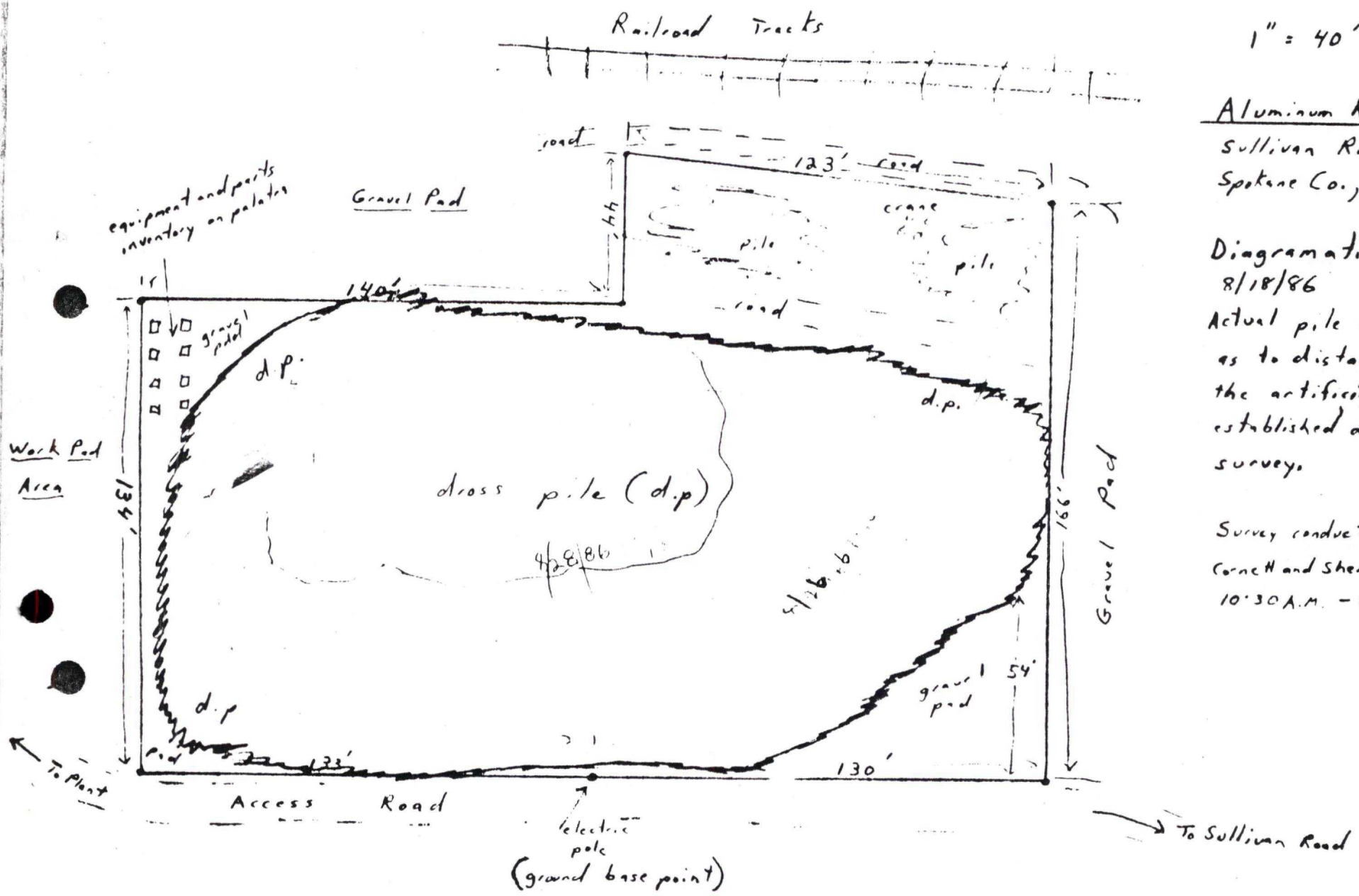
1" = 40'

Aluminum Recycling
Sullivan Road
Spokane Co., WA

Diagrammatic Sketch
8/18/86

Actual pile edges vary as to distance from the artificial boundary established during the survey.

Survey conducted by Debra Cornett and Sherm Spencer
10:30 A.M. - 8/18/86



Figures are approximate

Sherm Spencer

MEMORANDUM

CHECK
INFORMATION
FOR ACTION
PERMIT
OTHER

TO: Mike Spencer
FROM: Deborah Cornett
SUBJECT: Cleanup of Black Dross at Aluminum
Recycling Corporation on Sullivan Road
DATE: September 23, 1986

State of
Washington
Department
of Ecology



Per our September 22, 1986, telephone conversation, the black dross pile has been removed. Removal of the Black Dross began August 21, 1986. Circle M Construction Company, under contract to the Union Pacific Railroad, the property owners, removed the black dross. By September 3, all of the material had been hauled to the Mica Landfill.

No further action is planned at this time.

DC:adw

ECY 010-4



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 1 - SITE LOCATION AND INSPECTION INFORMATION**

I. IDENTIFICATION

01 STATE WA	02 SITE NUMBER D98072279
----------------	-----------------------------

II. SITE NAME AND LOCATION

01 SITE NAME (Legal, common, or descriptive name of site) Aluminum Recycling Corporation, Trentwood		02 STREET, ROUTE NO., OR SPECIFIC LOCATION IDENTIFIER N 2317 Sullivan Road			
03 CITY Spokane	04 STATE WA	05 ZIP CODE 98216	06 COUNTY Spokane	07 COUNTY CODE 063	08 CONG DIST 5
09 COORDINATES LATITUDE 47 40 42 LONGITUDE 117 11 44		10 TYPE OF OWNERSHIP (Check one) <input checked="" type="checkbox"/> A. PRIVATE <input type="checkbox"/> B. FEDERAL <input type="checkbox"/> C. STATE <input type="checkbox"/> D. COUNTY <input type="checkbox"/> E. MUNICIPAL <input type="checkbox"/> F. OTHER <input type="checkbox"/> G. UNKNOWN			

III. INSPECTION INFORMATION

01 DATE OF INSPECTION 10 / 13 / 87 MONTH DAY YEAR	02 SITE STATUS <input type="checkbox"/> ACTIVE <input checked="" type="checkbox"/> INACTIVE	03 YEARS OF OPERATION 1979 1984 UNKNOWN BEGINNING YEAR ENDING YEAR	
04 AGENCY PERFORMING INSPECTION (Check all that apply) <input type="checkbox"/> A. EPA <input type="checkbox"/> B. EPA CONTRACTOR <input type="checkbox"/> C. MUNICIPAL <input type="checkbox"/> D. MUNICIPAL CONTRACTOR <input checked="" type="checkbox"/> E. STATE <input type="checkbox"/> F. STATE CONTRACTOR <input type="checkbox"/> G. OTHER			

05 CHIEF INSPECTOR Fred Gardner	06 TITLE Environmentalist	07 ORGANIZATION State of WA. Dept. of Ecology	08 TELEPHONE NO. (206) 438-3000
09 OTHER INSPECTORS Sherman Spencer	10 TITLE Environmentalist	11 ORGANIZATION State of WA. Dept. of Ecology	12 TELEPHONE NO. (206) 456-2721
			()
			()
			()
			()

13 SITE REPRESENTATIVES INTERVIEWED Phil Williams	14 TITLE Director of Environmental Programs	15 ADDRESS City of Spokane Municipal Building Spokane, WA 99201-3334	16 TELEPHONE NO 509 456-4370
			()
			()
			()
			()
			()
			()

17 ACCESS GAINED BY (Check one) <input type="checkbox"/> PERMISSION <input type="checkbox"/> WARRANT	18 TIME OF INSPECTION 1:00 pm Oct. 17, 1987	19 WEATHER CONDITIONS Hot, Overcast
---	---	--

IV. INFORMATION AVAILABLE FROM

01 CONTACT Bob Goodman	02 OF (Agency/Organization) State of WA. Dept. of Ecology Olympia, WA 98504	03 TELEPHONE NO (206) 438-3000		
04 PERSON RESPONSIBLE FOR SITE INSPECTION FORM Fred Gardner	05 AGENCY As Above	06 ORGANIZATION As Above	07 TELEPHONE NO. 206-438-3000	08 DATE 01 / 01 / 87 MONTH DAY YEAR



I. IDENTIFICATION

01 STATE	02 SITE NUMBER
WA	D 980722979

01 PHYSICAL STATES

Speed (y)

(Measures of waste quantities must be independent)

NO OF DRUMS

A TOXIC	X SOLUBLE	I HIGHLY VOLATILE
X B CORROSIVE	F INFECTIOUS	J EXPLOSIVE
C RADIOACTIVE	G FLAMMABLE	K REACTIVE
D PERSISTENT	H IGNITABLE	L INCOMPATIBLE

CATEGORY	SUBSTANCE NAME	01 GROSS AMOUNT	02 UNIT OF MEASURE	03 COMMENTS
SLU	SLUDGE			
OLW	OILY WASTE			
SOL	SOLVENTS			
PSD	PESTICIDES			
OCC	OTHER ORGANIC CHEMICALS			
IOC	INORGANIC CHEMICALS	1,000's	Tons	Hard to estimate amount. Some material could be classified as raw material.
ACD	ACIDS			
BAS	BASES			
MES	HEAVY METALS			

[illegible]

CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER	CATEGORY	01 FEEDSTOCK NAME	02 CAS NUMBER
FDS			FDS		
FDS			FDS		
FDS			FDS		
FDS			FDS		

EPA FORM 2070-13 (7-81)



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION
PART 4 - PERMIT AND DESCRIPTIVE INFORMATION

I. IDENTIFICATION
01 STATE WA 02 SITE NUMBER D980722979

II. PERMIT INFORMATION

01 TYPE OF PERMIT ISSUED (Check all that apply)	02 PERMIT NUMBER	03 DATE ISSUED	04 EXPIRATION DATE	05 COMMENTS
<input type="checkbox"/> A. NPDES				
<input type="checkbox"/> B. UIC				
<input checked="" type="checkbox"/> C. AIR	Unknown			
<input type="checkbox"/> D. RCRA				
<input type="checkbox"/> E. RCRA INTERIM STATUS				
<input type="checkbox"/> F. SPCC PLAN				
<input type="checkbox"/> G. STATE (Specify)				
<input type="checkbox"/> H. LOCAL (Specify)				
<input type="checkbox"/> I. OTHER (Specify)				
<input type="checkbox"/> J. NONE				

III. SITE DESCRIPTION

01 STORAGE DISPOSAL (Check all that apply)	02 AMOUNT	03 UNIT OF MEASURE	04 TREATMENT (Check all that apply)	05 OTHER
<input type="checkbox"/> A. SURFACE IMPOUNDMENT			<input type="checkbox"/> A. INCINERATION	<input checked="" type="checkbox"/> A. BUILDINGS ON SITE
<input checked="" type="checkbox"/> B. PILES	Thousands of Tons		<input type="checkbox"/> B. UNDERGROUND INJECTION	6
<input type="checkbox"/> C. DRUMS, ABOVE GROUND			<input type="checkbox"/> C. CHEMICAL PHYSICAL	
<input type="checkbox"/> D. TANK, ABOVE GROUND			<input type="checkbox"/> D. BIOLOGICAL	
<input type="checkbox"/> E. TANK, BELOW GROUND			<input type="checkbox"/> E. WASTE OIL PROCESSING	
<input type="checkbox"/> F. LANDFILL			<input type="checkbox"/> F. SOLVENT RECOVERY	
<input type="checkbox"/> G. LANDFARM			<input type="checkbox"/> G. OTHER RECYCLING/RECOVERY	
<input type="checkbox"/> H. OPEN DUMP			<input checked="" type="checkbox"/> H. OTHER Recycling	14 (Acres)
<input type="checkbox"/> I. OTHER (Specify)				

07 COMMENTS

Material on site consists of piles or mounds. Three types of waste occur on site. High salt Aluminum dross (raw material), low salt aluminum dross (raw material). Black dross (Spent raw material).

IV. CONTAINMENT

01 CONTAINMENT OF WASTES (Check all that apply)
☐ A. ADEQUATE, SECURE ☒ B. MODERATE ☐ C. INADEQUATE, POOR ☐ D. INSECURE, UNSOUND, DANGEROUS

02 DESCRIPTION OF DRUMS, DIKING, LINERS, BARRIERS ETC

Material is in mounds, thousands of tons. The actual amounts hard to estimate.

V. ACCESSIBILITY

01 WASTE EASILY ACCESSIBLE ☒ YES ☐ NO
02 COMMENTS

Wastes are in open, but an adjacent facility which uses the dross as a raw material.

VI. SOURCES OF INFORMATION (Give specific references to data from which information was obtained)

EPA/CERLIS Files, WDOE Regional Files, PA File, WDOE Site Inspection (Gardner/S. Spencer, Oct. 13, 1987).



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA**

I. IDENTIFICATION

01 STATE WA 02 SITE NUMBER D980722979

II. DRINKING WATER SUPPLY

01 TYPE OF DRINKING SUPPLY
(Check as applicable)

	SURFACE	WELL
COMMUNITY	A. <input type="checkbox"/>	B. <input checked="" type="checkbox"/>
NON-COMMUNITY	C. <input type="checkbox"/>	D. <input checked="" type="checkbox"/>

02 STATUS

ENDANGERED	AFFECTED	MONITORED
A. <input type="checkbox"/>	B. <input type="checkbox"/>	C. <input checked="" type="checkbox"/>
D. <input type="checkbox"/>	E. <input type="checkbox"/>	F. <input type="checkbox"/>

03 DISTANCE TO SITE

A. < 3 (mi)
B. 2 (mi)

III. GROUNDWATER

01 GROUNDWATER USE IN VICINITY (Check one)

☐ A. ONLY SOURCE FOR DRINKING ☒ B. DRINKING
(Other sources available)
COMMERCIAL, INDUSTRIAL, IRRIGATION
(No other water sources available)

☐ C. COMMERCIAL, INDUSTRIAL, IRRIGATION
(Limited other sources available) ☐ D. NOT USED, UNUSEABLE

02 POPULATION SERVED BY GROUND WATER > 50,000

03 DISTANCE TO NEAREST DRINKING WATER WELL on site (mi)

04 DEPTH TO GROUNDWATER

100-200 (ft)

05 DIRECTION OF GROUNDWATER FLOW

East

06 DEPTH TO AQUIFER
OF CONCERN

150 (ft)

07 POTENTIAL YIELD
OF AQUIFER

millions (gpd)

08 SOLE SOURCE AQUIFER

☒ YES ☐ NO

09 DESCRIPTION OF WELLS (including usage, depth, and location relative to population and buildings)

Well on site is 125 feet deep with 60 feet the static water level. Within 3 miles are 16 public and 87 private wells.

10 RECHARGE AREA

☐ YES COMMENTS
☒ NO

11 DISCHARGE AREA

☐ YES COMMENTS
☒ NO

IV. SURFACE WATER

01 SURFACE WATER USE (Check one)

☐ A. RESERVOIR, RECREATION
DRINKING WATER SOURCE ☒ B. IRRIGATION, ECONOMICALLY
IMPORTANT RESOURCES ☐ C. COMMERCIAL, INDUSTRIAL ☐ D. NOT CURRENTLY USED

02 AFFECTED POTENTIALLY AFFECTED BODIES OF WATER

NAME

Spokane River

AFFECTED

DISTANCE TO SITE

700 feet (mi)

V. DEMOGRAPHIC AND PROPERTY INFORMATION

01 TOTAL POPULATION WITHIN

ONE (1) MILE OF SITE

A. 5380
NO. OF PERSONS

TWO (2) MILES OF SITE

B. 20,000
NO. OF PERSONS

THREE (3) MILES OF SITE

C. 50,000
NO. OF PERSONS

02 DISTANCE TO NEAREST POPULATION

1/4 (mi)

03 NUMBER OF BUILDINGS WITHIN TWO (2) MILES OF SITE

Thousands

04 DISTANCE TO NEAREST OFF-SITE BUILDING

1/4 (mi)

05 POPULATION WITHIN VICINITY OF SITE (Provide narrative description of nature of population within vicinity of site, e.g. rural, village, densely populated urban area)

The site is in an industrial area, but has several parks and schools nearby. A very populated area to the south has a major east-west freeway on the south end of the property as well as the Spokane River near by. The site immediately adjacent is a park and ride commuter area.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 5 - WATER, DEMOGRAPHIC, AND ENVIRONMENTAL DATA

I. IDENTIFICATION

01 STATE WA 02 SITE NUMBER D980722979

VI. ENVIRONMENTAL INFORMATION

01 PERMEABILITY OF UNSATURATED ZONE (Check one)

☐ A. $10^{-6} - 10^{-8}$ cm/sec ☐ B. $10^{-4} - 10^{-6}$ cm/sec ☒ C. $10^{-4} - 10^{-3}$ cm/sec ☐ D. GREATER THAN 10^{-3} cm/sec

02 PERMEABILITY OF BEDROCK (Check one)

☐ A. IMPERMEABLE
(Less than 10^{-6} cm/sec)
☒ B. RELATIVELY IMPERMEABLE
($10^{-6} - 10^{-5}$ cm/sec)
Except where fractured.
☐ C. RELATIVELY PERMEABLE
($10^{-2} - 10^{-4}$ cm/sec)
☐ D. VERY PERMEABLE
(Greater than 10^{-2} cm/sec)

03 DEPTH TO BEDROCK

200 to 300 (ft)

04 DEPTH OF CONTAMINATED SOIL ZONE

unknown (ft)

05 SOIL pH

unknown

06 NET PRECIPITATION

17 (in)

07 ONE YEAR 24 HOUR RAINFALL

1.4 (in)

08 SLOPE

SITE SLOPE
0 %

DIRECTION OF SITE SLOPE
South

TERRAIN AVERAGE SLOPE
5 %

09 FLOOD POTENTIAL

SITE IS IN N/A YEAR FLOODPLAIN

10

SITE IS ON BARRIER ISLAND, COASTAL HIGH HAZARD AREA, RIVERINE FLOODWAY

11 DISTANCE TO WETLANDS (in or on floodway)

ESTUARINE

A N/A (mi)

OTHER

Riverine

B 700 (mi) ft.

12 DISTANCE TO CRITICAL HABITAT (if endangered species)

N/A

ENDANGERED SPECIES:

13 LAND USE IN VICINITY

DISTANCE TO:

COMMERCIAL/INDUSTRIAL

RESIDENTIAL AREAS; NATIONAL/STATE PARKS,
FORESTS, OR WILDLIFE RESERVES

AGRICULTURAL LANDS
PRIME AG LAND AG LAND

A .1 (mi)

B 1/2 (mi)

C 5 (mi)

D 4 (mi)

14 DESCRIPTION OF SITE IN RELATION TO SURROUNDING TOPOGRAPHY

700 feet to the south is the Spokane River which runs east - west. One mile N, NW and NE is industrial. 2 miles from the site in the same direction there are residential houses. 3 miles out, a bluff with scattered houses. To the south along with the river is I-90, the major east-west freeway. South of that are major concentrations of housing. Also west of the site, 2 miles to the east, is the community of Green Acres. (This is separated from the site by a north and east jog of the river).

VII. SOURCES OF INFORMATION (Cite specific references e.g. state files, sample analysis reports)

EPA/CERCLIS Files
Preliminary Assessment Files
WDOE Site Investigation (Gardner - S. Spencer, Cot. 13, 1987)
WDOE Eastern Regional Office Files (Copies of pertaining files enclosed)
Spokane Population Report 1981; USGS Green Acres Quadrangle map; Water Supply Bulletin, Washington Dept. of Ecology.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 6 - SAMPLE AND FIELD INFORMATION

I. IDENTIFICATION

01 STATE	02 SITE NUMBER
WA	D980722979

II. SAMPLES TAKEN

SAMPLE TYPE	01 NUMBER OF SAMPLES TAKEN	02 SAMPLES SENT TO	03 ESTIMATED DATE RESULTS AVAILABLE
GROUNDWATER			
SURFACE WATER			
WASTE		N/A	
AIR			
RUNOFF			
SPILL			
SOIL			
VEGETATION			
OTHER			

III. FIELD MEASUREMENTS TAKEN

01 TYPE	02 COMMENTS
	N/A

IV. PHOTOGRAPHS AND MAPS

01 TYPE	XGROUND AERIAL	02 IN CUSTODY OF	Enclosed with site inspection file. <small>(Name of organization or individual)</small>
03 MAPS	XYES NO	04 LOCATION OF MAPS	Enclosed with site investigation report.

V. OTHER FIELD DATA COLLECTED (Provide narrative description)

N/A

VI. SOURCES OF INFORMATION (Describe all references used. State date, source and type of reports)

Ecology Site Inspection



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 7 - OWNER INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER
WA D 980722979

II. CURRENT OWNER(S)

01 NAME Jack Lyon		02 D+B NUMBER		08 NAME N/A		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.) 7730 South 202nd St.		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY Kent		06 STATE WA	07 ZIP CODE 98301	12 CITY		13 STATE	14 ZIP CODE
01 NAME		02 D+B NUMBER		08 NAME		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME		02 D+B NUMBER		08 NAME		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE
01 NAME		02 D+B NUMBER		08 NAME		09 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		10 STREET ADDRESS (P.O. Box, RFD #, etc.)		11 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	12 CITY		13 STATE	14 ZIP CODE

III. PREVIOUS OWNER(S) (List most recent first)

01 NAME N/A		02 D+B NUMBER		01 NAME Union Pacific Railroad		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.) 1515 S.W. 5th Ave.		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY Portland		06 STATE OR	07 ZIP CODE 97201
01 NAME		02 D+B NUMBER		01 NAME		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE
01 NAME		02 D+B NUMBER		01 NAME		02 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	05 CITY		06 STATE	07 ZIP CODE

V. SOURCES OF INFORMATION (Cite specific references e.g. state files, sample analysis reports)

WDOE Eastern Regional Office Files.
Preliminary Assessment File.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 8 - OPERATOR INFORMATION

I. IDENTIFICATION

01 STATE	02 SITE NUMBER
WA	D 980722979

II. CURRENT OPERATOR (Provide if different from owner)

OPERATOR'S PARENT COMPANY (If applicable)

01 NAME None. Facility is Bankrupt		02 D+B NUMBER		10 NAME N/A		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER					

III. PREVIOUS OPERATOR(S) (List most recent first; provide only if different from owner)

PREVIOUS OPERATORS' PARENT COMPANIES (If applicable)

01 NAME N/A		02 D+B NUMBER		10 NAME N/A		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER DURING THIS PERIOD					

01 NAME		02 D+B NUMBER		10 NAME		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER DURING THIS PERIOD					

01 NAME		02 D+B NUMBER		10 NAME		11 D+B NUMBER	
03 STREET ADDRESS (P.O. Box, RFD #, etc.)		04 SIC CODE		12 STREET ADDRESS (P.O. Box, RFD #, etc.)		13 SIC CODE	
05 CITY		06 STATE	07 ZIP CODE	14 CITY		15 STATE	16 ZIP CODE
08 YEARS OF OPERATION		09 NAME OF OWNER DURING THIS PERIOD					

IV. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis, reports)

Ecology Eastern Regional Office Files.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 9 - GENERATOR/TRANSPORTER INFORMATION

I. IDENTIFICATION

01 STATE 02 SITE NUMBER
WA D 190722979

II. ON-SITE GENERATOR

01 NAME N/A	02 D+B NUMBER	N/A
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	
05 CITY	06 STATE 07 ZIP CODE	

III. OFF-SITE GENERATOR(S)

01 NAME N/A	02 D+B NUMBER	01 NAME	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE 07 ZIP CODE	05 CITY	06 STATE 07 ZIP CODE
01 NAME	02 D+B NUMBER	01 NAME	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE 07 ZIP CODE	05 CITY	06 STATE 07 ZIP CODE

IV. TRANSPORTER(S)

01 NAME N/A	02 D+B NUMBER	01 NAME	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE 07 ZIP CODE	05 CITY	06 STATE 07 ZIP CODE
01 NAME	02 D+B NUMBER	01 NAME	02 D+B NUMBER
03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE	03 STREET ADDRESS (P.O. Box, RFD #, etc.)	04 SIC CODE
05 CITY	06 STATE 07 ZIP CODE	05 CITY	06 STATE 07 ZIP CODE

V. SOURCES OF INFORMATION (Cite specific references - e.g., state files, sample analysis reports)

Ecology Eastern Regional Files.
Ecology Site Inspection.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

I. IDENTIFICATION

01 STATE 02 SITE NUMBER
WA D 980722979

II. PAST RESPONSE ACTIVITIES

01 <input type="checkbox"/> A. WATER SUPPLY CLOSED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> B. TEMPORARY WATER SUPPLY PROVIDED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> C. PERMANENT WATER SUPPLY PROVIDED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> D. SPILLED MATERIAL REMOVED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> E. CONTAMINATED SOIL REMOVED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> F. WASTE REPACKAGED 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> G. WASTE DISPOSED ELSEWHERE 04 DESCRIPTION Some waste taken to Mica Landfill	02 DATE Aug. 21, 1986	03 AGENCY Owner
01 <input type="checkbox"/> H. ON SITE BURIAL 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> I. IN SITU CHEMICAL TREATMENT 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> J. IN SITU BIOLOGICAL TREATMENT 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> K. IN SITU PHYSICAL TREATMENT 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> L. ENCAPSULATION 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> M. EMERGENCY WASTE TREATMENT 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> N. CUTOFF WALLS 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> O. EMERGENCY DIKING SURFACE WATER DIVERSION 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> P. CUTOFF TRENCHES/SUMP 04 DESCRIPTION	02 DATE _____	03 AGENCY _____
01 <input type="checkbox"/> Q. SUBSURFACE CUTOFF WALL 04 DESCRIPTION	02 DATE _____	03 AGENCY _____



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE WA 02 SITE NUMBER D980722979

II. HAZARDOUS CONDITIONS AND INCIDENTS

01 X A. GROUNDWATER CONTAMINATION 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. Aquifer lies in unconsolidated glaciofluvial deposits. GW in the area is used for drinking, irrigation, and industrial. Depth to GW is >100 ft. Conventional pollutants may be of concern in groundwater from activities at this site.			
01 X B. SURFACE WATER CONTAMINATION 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. Nearest surface water is the Spokane River 700 feet to the SW. Slope to water is 10%. Surface water is used for irrigation purposes.			
01 X C. CONTAMINATION OF AIR 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. There is a total resident and transient population of 5380 within one mile of the site. When the site was actually operating, numerous air quality violations occurred.			
01 X D. FIRE/EXPLOSIVE CONDITIONS 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
No known certified fire/explosive conditions.			
01 X E. DIRECT CONTACT 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. No known hazardous wastes. Black cross piles on site are not fenced. Facility covers 14 acres.			
01 X F. CONTAMINATION OF SOIL 03 AREA POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. Soil is a Garrison gravelly loam with a moderately high permeability. Leaching dross may contaminate soils, but not with hazardous constituents.			
01 X G. DRINKING WATER CONTAMINATION 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. There are 16 public wells and 87 private wells within three miles of the site, which serves >50,000 people. Nearest known well is located on site.			
01 X H. WORKER EXPOSURE/INJURY 03 WORKERS POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected.			
01 X I. POPULATION EXPOSURE/INJURY 03 POPULATION POTENTIALLY AFFECTED 0	02 OBSERVED (DATE) 04 NARRATIVE DESCRIPTION	POTENTIAL	ALLEGED
None reported or suspected. No known hazardous wastes at this site.			



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT

PART 3 - DESCRIPTION OF HAZARDOUS CONDITIONS AND INCIDENTS

I. IDENTIFICATION

01 STATE WA 02 SITE NUMBER D980722979

II. HAZARDOUS CONDITIONS AND INCIDENTS (Continued)

01 ☒ J. DAMAGE TO FLORA
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

None reported or suspected.

01 ☒ K. DAMAGE TO FAUNA
04 NARRATIVE DESCRIPTION (include names of species)

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

None reported or suspected.

01 ☒ L. CONTAMINATION OF FOOD CHAIN
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

None reported or suspected.

01 ☒ M. UNSTABLE CONTAINMENT OF WASTES

(Spills, Runoff, Standing liquids, Leaking drums)

03 POPULATION POTENTIALLY AFFECTED: 0

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

04 NARRATIVE DESCRIPTION

None reported or suspected. Piles of black dross are stored on site in piles which are unlined.
No known hazardous wastes.

01 ☒ N. DAMAGE TO OFFSITE PROPERTY
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

None reported or suspected

01 ☒ O. CONTAMINATION OF SEWERS, STORM DRAINS, WWTPs
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

The site is not serviced by sewers.

01 ☒ P. ILLEGAL/UNAUTHORIZED DUMPING
04 NARRATIVE DESCRIPTION

02 ☐ OBSERVED (DATE _____) ☐ POTENTIAL ☐ ALLEGED

None reported or suspected.

05 DESCRIPTION OF ANY OTHER KNOWN, POTENTIAL, OR ALLEGED HAZARDS

None known.

III. TOTAL POPULATION POTENTIALLY AFFECTED: 0

IV. COMMENTS

Although there appears to be no hazardous waste conditions associated with the storage of dross on the site, there are some conventional pollution problems of concern. GW & SW may become contaminated with chlorides due to leachate and runoff. In addition, under certain environmental conditions, an ammonia vapor may be emitted from the dross.

V. SOURCES OF INFORMATION (Cite specific references, e.g. state files, sample analysis reports)

WDOE Files; EPA/ERRIS files; USFWS, 1980; Spokane Co. Pop. Report, 1981; FIRM map-Spokane, 1980; Spokane Co. Eng. & WDOE, pers. Comm. 5/2/85; USGS Greenacres Quad, 1973; Water Supply Bulletin. #27, 1969; USDA, SCS Soil Survey Spokane Co., 1958. Preliminary Assessment File, WDOE Site Inspection, Oct. 13, 1987.



POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 10 - PAST RESPONSE ACTIVITIES

I. IDENTIFICATION

01 STATE 02 SITE NUMBER
WA D 980722979

II. PAST RESPONSE ACTIVITIES (Continued)

01 ☐ R. BARRIER WALLS CONSTRUCTED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ S. CAPPING/COVERING
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ T. BULK TANKAGE REPAIRED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ U. GROUT CURTAIN CONSTRUCTED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ V. BOTTOM SEALED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ W. GAS CONTROL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ X. FIRE CONTROL
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ Y. LEACHATE TREATMENT
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ Z. AREA EVACUATED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ 1. ACCESS TO SITE RESTRICTED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ 2. POPULATION RELOCATED
04 DESCRIPTION

02 DATE _____

03 AGENCY _____

01 ☐ 3. OTHER REMEDIAL ACTIVITIES
04 DESCRIPTION

02 DATE Aug. 1986

03 AGENCY Owner

Spent "Black dross" was removed to Mica Landfill. This dross is very high in potassium and sodium chloride salts. High salt and low salt dross are still on site but some is being used by an adjacent company to make aluminum sulphate for cement.

III. SOURCES OF INFORMATION (Cite specific references, e.g., state files, sample analysis reports)

Preliminary Assessment for site.
WDOE Eastern Regional Office;s Files.
WDOE Site investigation.



**POTENTIAL HAZARDOUS WASTE SITE
SITE INSPECTION REPORT
PART 11 - ENFORCEMENT INFORMATION**

I. IDENTIFICATION

01 STATE	02 SITE NUMBER
WA	D 980722979

II. ENFORCEMENT INFORMATION

01 PAST REGULATORY ENFORCEMENT ACTION ☒ YES ☐ NO

02 DESCRIPTION OF FEDERAL, STATE, LOCAL REGULATORY ENFORCEMENT ACTION

2-1-83 Complaint of dross material being dumped on ground is investigated by WDOE. WDOE Worked with Company to help comply with dross or ground water and potential high salt content process water for an adjacent company. (IWC)

2-16-83 Spokane Air Pollution Agency orders company to comply with air emissions. (They had bag house dust collection failures).

2-28-83 WDOE Classify dross wastes as toxic-dangerous waste.

8-15-83 WDOE orders company to comply with previous orders.

2-21-84 WDOE again orders company to comply.

6-8-84 State Atty. General consent action.

8-7-84 Spokane Air Pollution Authority orders company to meet agreement of May 24, 1985.

2-6-85 Notice of Penalty. \$10,000

4-4-85 Penalty affirmed by WDOE.

July-August, 1985 ARC pleads case with Pollution Control Hearings Board.

8-14-85 PCHB vacates all but \$2,000 fine.

8-21-85 WDOE appeals decision to PCHB

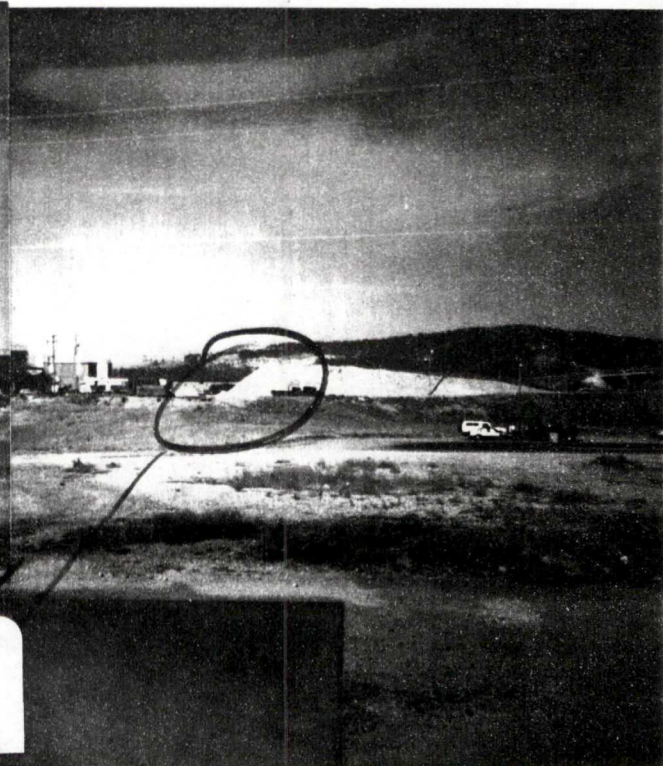
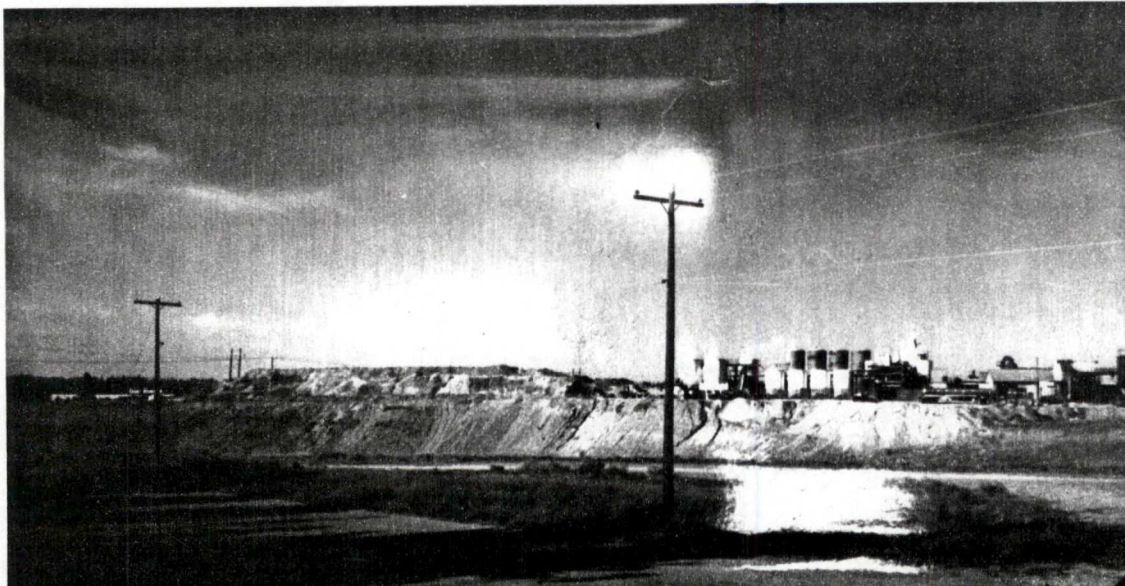
8-28-85 Board affirms ruling saying it has the authority to change a fine.

At present Company has not paid any fine, not even \$2,000.

III. SOURCES OF INFORMATION (Cite specific references, e.g. state files, sample analysis, reports)

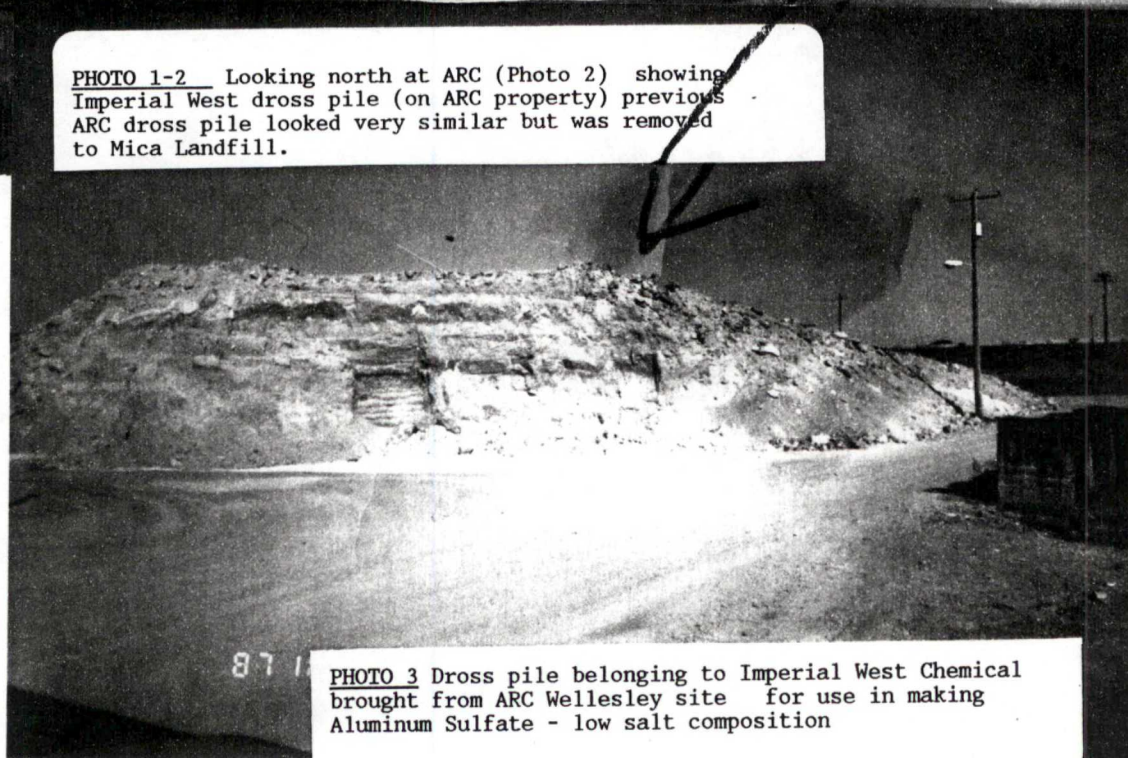
Ecology Eastern Regional Office.
Personal Conversation, Phil Williams, Roger Ray, John Aucaby.

Appendix C. Photos



87 10

PHOTO 1-2 Looking north at ARC (Photo 2) showing Imperial West dross pile (on ARC property) previous ARC dross pile looked very similar but was removed to Mica Landfill.



87 1

PHOTO 3 Dross pile belonging to Imperial West Chemical brought from ARC Wellesley site for use in making Aluminum Sulfate - low salt composition

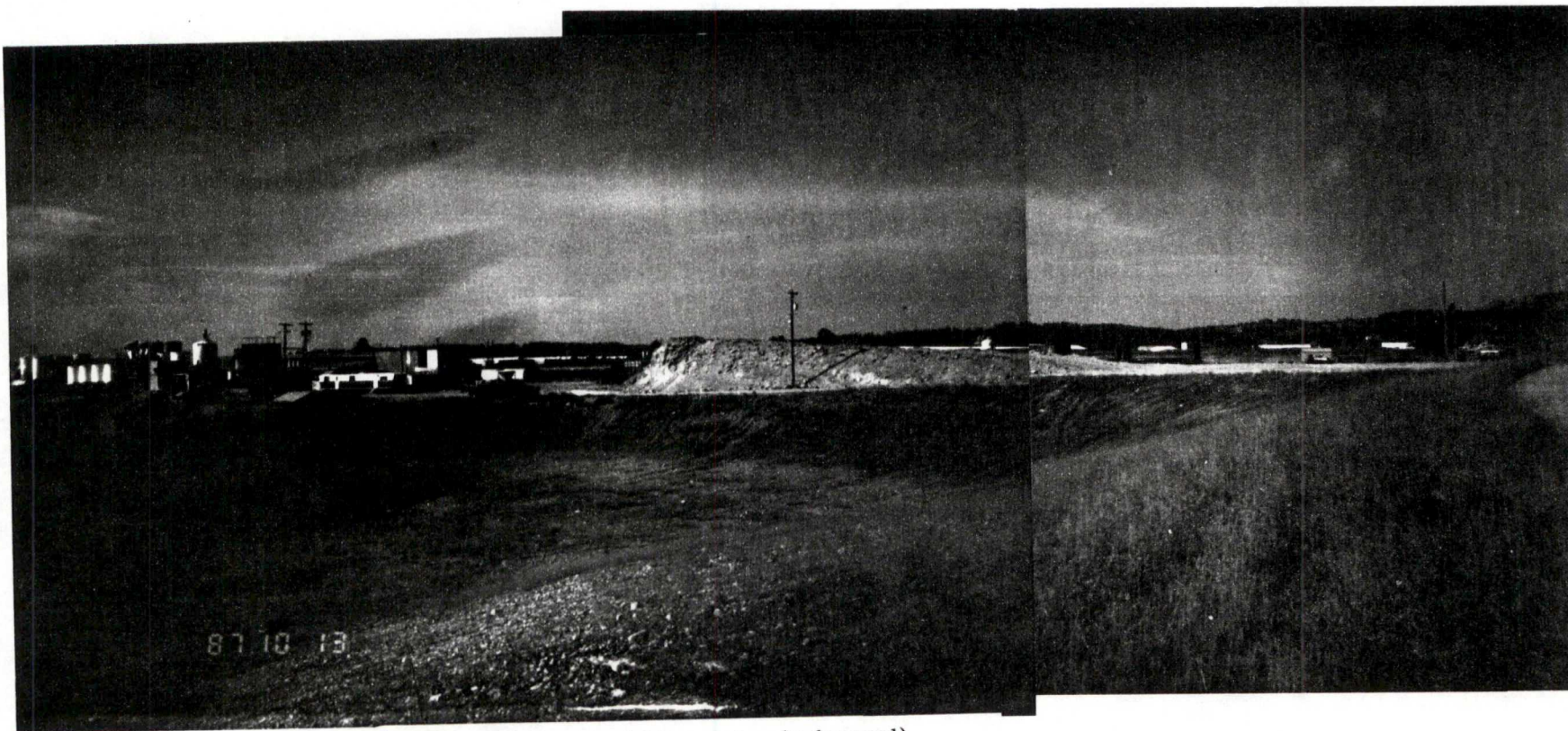


PHOTO 4-5 Dross pile (white center background)
Buildings on photo 4 (far left) are Imperial West
buildings. The buildings on the right, center, belong
to ARC.

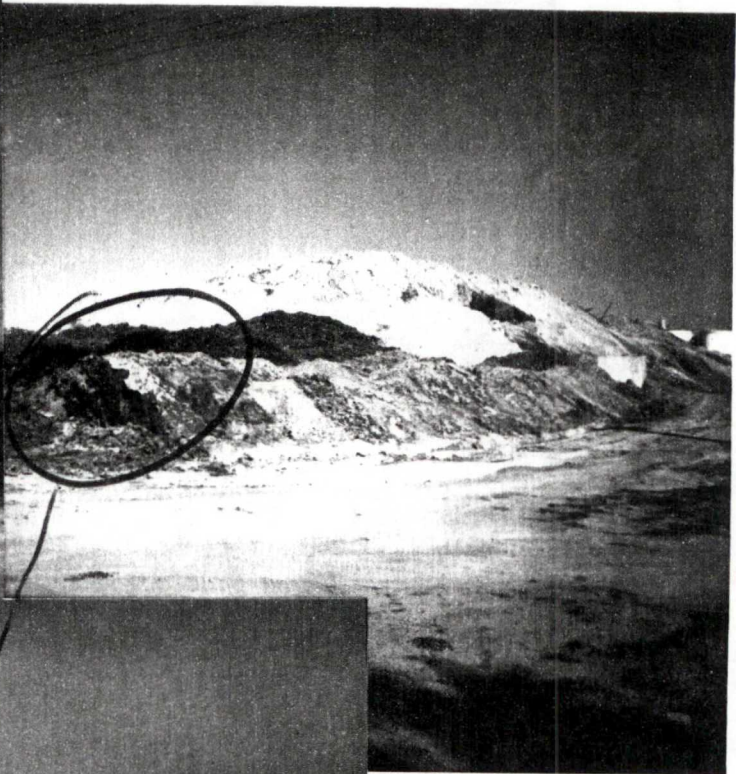
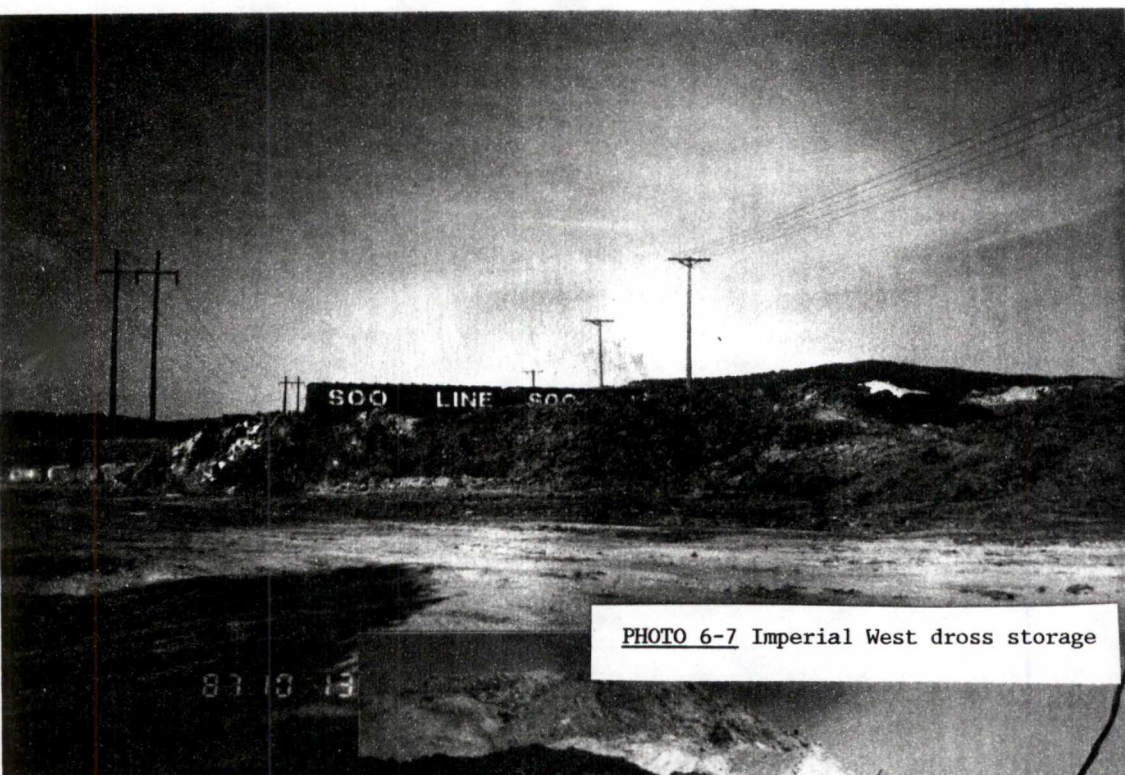


PHOTO 6-7 Imperial West dross storage

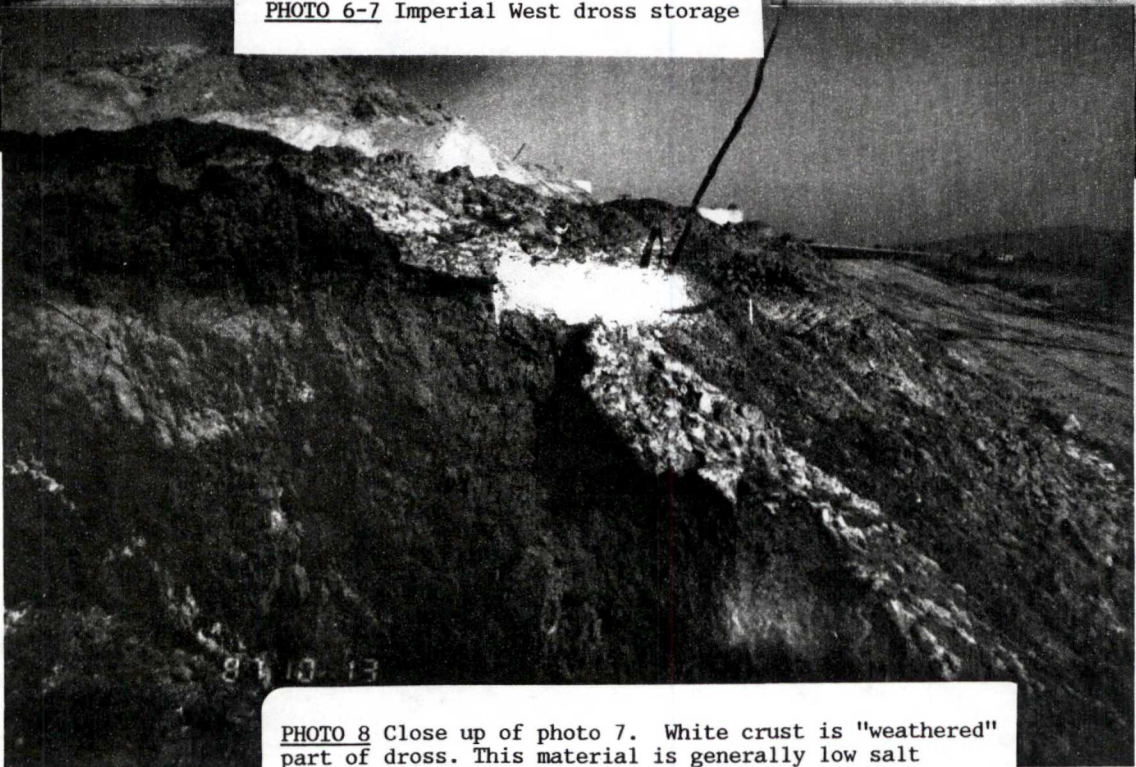
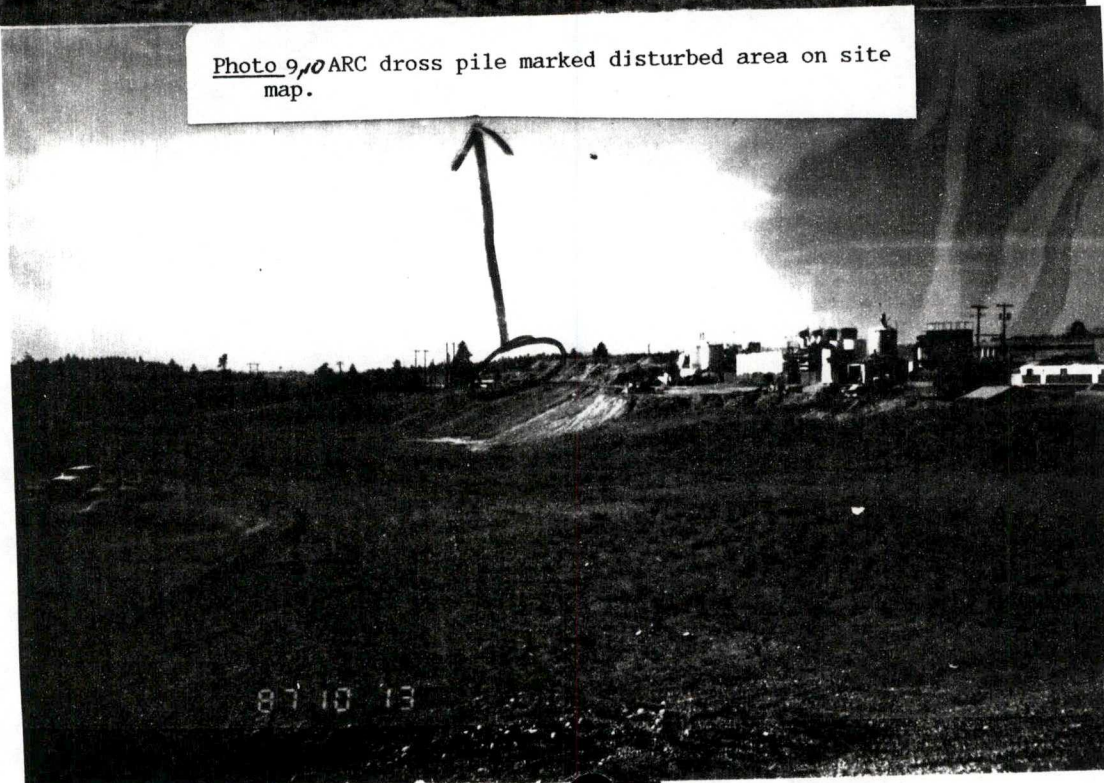
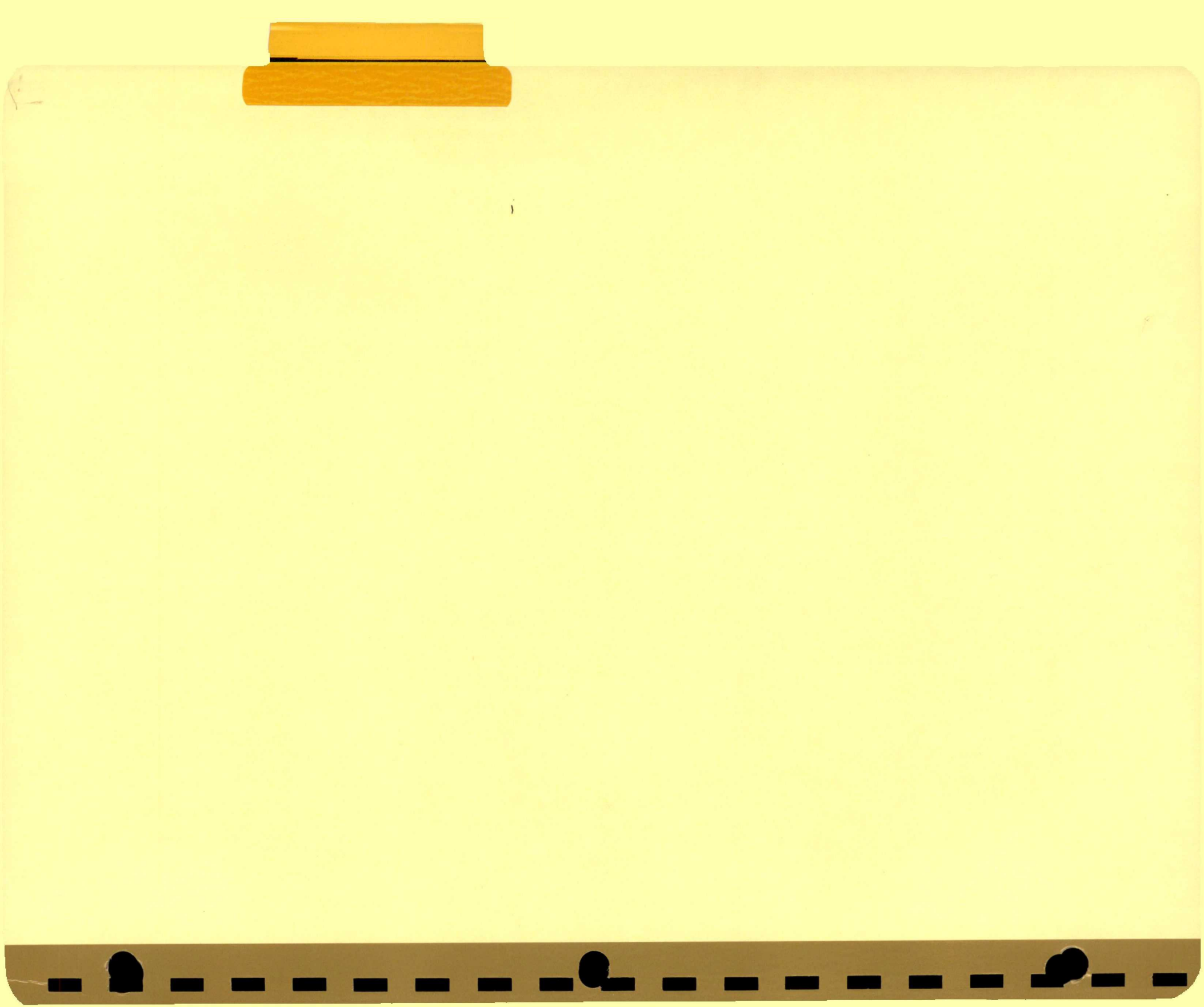


PHOTO 8 Close up of photo 7. White crust is "weathered" part of dross. This material is generally low salt composition, although some material is high salt. The blacker the material the more salt content.



Photo 9¹⁰ ARC dross pile marked disturbed area on site map.





DREA BEATTY RINKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

October 26, 1987

TO: Files; ERO

FROM: Fred Gardner

SUBJECT: Site Inspections: Aluminum Recycling
- Trentwood WAD980722979
- Wellesley WAD 043005651

On October 13, 1987, I made a site inspection of the Aluminum Recycling Facilities at Wellesley and another at Trentwood in Spokane, Washington. Sherman Spencer of the Eastern Regional office accompanied me.

A site inspection file for these sites is being compiled separately from this memo and will be available after December. Updated and more in depth information will be found in that report.

The first site visited was the Trentwood Site. This site is located on Sullivan Road near the Kaiser Trentwood rolling mills and the Spokane Industrial Park. It is also near the Old Inland Pit, an NPL site.

The recycling company used aluminum dross and skimmings from the Kaiser Mead works, beverage cans and/or scrap aluminum in a rotary kiln to produce aluminum. The resultant impurities from the process is "black dross", a material usually very high in salt content (potassium and chloride), often as much as 50%. This material is stockpiled on site (uncovered) where it leach salts into the ground water or over land in surface water pathways.

The site owners are in bankruptcy court, and the final status of the company has not been determined. A contiguous property, Imperial West Chemical (IWC), also processed part of this material, although at present they can only use low salt dross. They make, among other things, aluminum sulfate for use in cement.

Their tie up with ARC is not totally understood by me at this time, but will be by the time the site investigation is over and the Phase I report is written.

Some material on the IWC property allegedly still belongs to ARC. Some of the low salt dross on the ARC Trentwood property belongs to

IWC. The actual site owner is Union Pacific Railroad which leases the land to ARC and IWC.

There is no direct evidence that any aquifer or private wells are being polluted on the Trentwood site. Data on the two ARC properties suggest that "weathered" dross has a much lower salt content than "new" dross. The reason being that the rain washes the salt out of the dross. There may be some incentive then to let the dross weather if your refining process can't handle high salt content. Dross does make a crust after this "weathering process". It is not known how deep this process penetrates or if the crust eventually acts as a cap to further weathering. Therefore, new dross may contribute more salt to ground water than weathered.

There are virtually hundreds, if not thousands, of tons of material on the Trentwood site, primarily low salt, but some high salt is also present. A large pile recently came from the Wellesley ARC Site via C.E. Trucking and is stored on the ARC property for use by IWC.

I have been informed that Ecology and Environment (a contractor for the EPA F.I.T. program) intends to sample both sites with the potential for removal. The dross is not an EPA regulated waste, although it is for the State of Washington (at least that portion which is high in salt). I am uncertain why EPA is interested in these sites or why they would remove the material. As I work with E&E, the rationale may become more clear.

I have coordinated with the E&E person who will be doing the study (Cindy Ross) and we will be sharing information on the site and keep the Regional office apprised of what is going on.

No overt hazardous waste problems were noticed at the ARC Trentwood site. IWC was doing extensive renovation and additions to their equipment and were completing the plumbing necessary for discharge to the river and/or STP. Mr. John Hucaby, manager of IWC, informed us that Jim Malm had promised to get back to him on an NPDES permit for the new process. Sherman Spencer will relay this concern on to ERO.

Last year Union Pacific removed a sizable amount of high salt dross on site to Mica Landfill, virtually taking the entire amount stored on the ARC site. Recently, however, IWC obtained low salt dross from ARC Wellesley and another large pile now exists on site.

Pictures were taken and a sketch made of the site. These will be used for the Phase I inspection report.

The next site was also operated by ARC and is located off Wellesley (towards town) and is sometimes called the Hillyard Site or Hillyard Processing. They also used aluminum scrap, cans, and other material to smelt out the aluminum metal. This site had no buildings left on site because the City of Spokane had ordered the court administrator

for the property to demolish all buildings and remove material from the site. Burlington Northern owns this land but leased it to ARC. A sizable amount of high salt dross was taken to the Trentwood Site although a considerably larger 30 foot high pile of material of unknown but believed to be low salt content is still on site.

Other smaller piles of material exist on the Wellesley site, and a large hole remains from previous removal to the Trentwood site. These other piles are texturally dissimilar to the large pile. Fish bioassay data from previous sampling of the material apparently classifies it non-toxic, however.

A Burlington well north of the site was contaminated by salt in 1955 (although the site was not owned by ARC at that time). No actual data has been found yet to give more information on this .

The site is unsecured and some dumping of trash and demolition material was observed. Two drums labeled Potassium Aluminum Fluoride, (which is cryolite) were dumped on site. This is probably what is in the drums because they rattled like gravel was inside. We did not attempt to open the drums and reported them to the Regional office.

We also discovered a monitoring well casing marked #2 on the side (it was locked). We have no idea who owns it, but it is of new construction. We could not locate any other wells on site.

Much more information will be generated on these two ARC sites as a result of EPA's intended sampling and the phase one site inspection I am doing. These results will be sent on to the Regional office. No other obvious hazardous waste material or practice was evident at the site. Pictures were taken and will be part of the Phase I site inspection. A map will be made of the site based on those photos and field notes/sketches. Any additional comments or corrections by the Regional office will be added to those reports.